



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

TITLE 02. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z06-1120-01 1779
 STATE AGENCY — Employment Training Panel

TITLE 02. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z06-1121-09 1780
 STATE AGENCY — The California Health and Human Services Agency (Including The
 California Office of HIPAA Implementation and the Office of Systems Integration)

TITLE 02. DEPARTMENT OF TECHNOLOGY SERVICES

Conflict of Interest Code — Notice File No. Z06-1121-05 1781

TITLE 03. DEPARTMENT OF FOOD AND AGRICULTURE

Bovine Brucellosis; Swine; Quarantine — Notice File No. Z06-1117-01 1781

TITLE 05. CALIFORNIA STUDENT AID COMMISSION

*Grace Period for Submission of Grade Point Averages After Cal Grant Application Deadline —
 Notice File No. Z06-1121-03* 1784

TITLE 8. PUBLIC EMPLOYMENT RELATIONS BOARD

Agency Fees — Notice File No. Z06-1115-01 1787

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

*Construction Safety Orders; General Safety Orders; Ship Building, Ship Repairing, and Ship Breaking
 Safety Orders, Assigned Protection Factors for Respirators; General Safety Orders, Cranes and Other
 Hoisting Equipment—Signals — Notice File No. Z06-1121-02* 1792

TITLE 20. CALIFORNIA ENERGY COMMISSION

Adoption of Amendments to Appliance Regulations — Notice File No. Z06-1121-04 1797

TITLE 22. EMPLOYMENT TRAINING PANEL

Frontline Worker — Notice File No. Z06-1121-08 1802

(Continued on next page)

***Time-
Dated
Material***

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

<i>Ineligible Prospective Contractors</i>	1804
---	------

DEPARTMENT OF FISH AND GAME

<i>Proposed Research on Fully Protected Species, Monitoring and Research of Santa Cruz Long-Toed Salamander</i>	1804
---	------

DEPARTMENT OF FISH AND GAME

<i>Consistency Determination, Interstate 5 — Cosumnes River Boulevard Interchange Project, City of Sacramento, Sacramento County</i>	1805
--	------

DEPARTMENT OF HEALTH SERVICES

<i>Notice of Hearings for Proposed Fundings — Preventive Health and Health Services Block Grant (State Plan) for Federal Fiscal Year (FFY) 2007</i>	1807
---	------

OFFICE OF ADMINISTRATIVE LAW

<i>Rulemaking Calendar</i>	1808
----------------------------------	------

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	1808
Sections Filed, June 21, 2006 to November 22, 2006	1811

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE Employment Training Panel

A written comment period has been established commencing on December 1, 2006, and closing on January 15, 2007. Written comments should be directed to the Fair Political Practices Commission, Attention Kevin S. Moen, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than January 15, 2007. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Kevin S. Moen, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED CONFLICT
OF INTEREST CODES**

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Kevin S. Moen, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

STATE AGENCY AMENDMENT

**THE CALIFORNIA HEALTH AND HUMAN
SERVICES AGENCY (INCLUDING THE
CALIFORNIA OFFICE OF HIPAA
IMPLEMENTATION AND THE OFFICE OF
SYSTEMS INTEGRATION)**

A written comment period has been established commencing on **December 1, 2006** and closing on **January 15, 2007**. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia A. Jones, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45 day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested per-

son, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **January 15, 2007**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Cynthia A. Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Cynthia A. Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. DEPARTMENT OF TECHNOLOGY SERVICES

NOTICE OF INTENTION TO ADOPT A CONFLICT OF INTEREST CODE FOR DEPARTMENT OF TECHNOLOGY SERVICES

NOTICE IS HEREBY GIVEN that the Department of Technology Services, pursuant to the authority vested in it by Section 87300 of the Government Code, proposes to adopt a conflict of interest code. The purpose of the adoption of a conflict of interest code is to implement the requirements of Sections 87300 through 87302 and 87306 of the Government Code.

Pursuant to Governor's Order S-13-04, the Department of Technology Services (the department) is a new state department created by the consolidation of the Stephen P. Teale Data Center, the Health and Human Services Data Center, and the Office of Network Services, Department of General Services. The Technology Services Board was also created pursuant to Governor's Order S-13-04.

The department proposes the adoption of a conflict of interest code as specified in Section 87300 of the Government Code. The conflict of interest code reflects the organization of the department as of January 1, 2006. The proposed code designates positions required to file and establishes disclosure categories for the department.

Copies of the proposed code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed code by submitting them in writing no later than December 19, 2006 or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed adoption of a conflict of interest code. If any interested person or person's representative requests a public hearing, he or she must do no later than December 19, 2006, by contacting the Contact Person set forth below.

The Department of Technology Services has prepared a written explanation of the reasons for the proposed conflict of interest code and has available the information on which the proposed are based. Copies of the proposed code, the reasons for the proposed code, and the information on which the disclosure categories are based may be obtained by contacting the Contact Person set forth below.

The Department of Technology Services has determined that the proposed conflict of interest code:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small business.

In making the proposed conflict of interest code, the department must determine that the requirements of Sections 87300 through 87302 and 87306 of the Government Code have been met.

Contact Person: All inquiries concerning this proposed conflict of interest code and any communication required by this notice should be directed to Sam Fong, Filing Officer at the Department of Technology Services, PO Box 1810, Rancho Cordova, CA 95741-1810.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than **15 days prior to the close of the written comment period.** Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person by **5:00 p.m. on January 15, 2007.** Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described be-

low or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 407, 9562, 9570, 10324, 10327 and 10781 of the Food and Agricultural Code, and to implement, interpret or make specific sections 9562, 10327 and 10781 of said Code, the Department proposes to amend section 752 of Article 1.5, Chapter 2; 796.6 of Article 8.5 of Chapter 2; and 1301 of Article 3 of Chapter 7, Division 2, of Title 3 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1) BOVINE BRUCELLOSIS:

Food and Agricultural Code section 10327 authorizes the Director of the Department to establish the conditions for the movement of female dairy cattle as evident through calfhoo vaccination or other tests to prevent outbreaks and the spread of bovine brucellosis. In compliance with section 10327, the Department has in place existing bovine brucellosis regulations under Article 1.5 (Bovine Brucellosis) of Chapter 2, Division 2, of Title 3 of the California Code of Regulations.

This proposal amends section 752 (Vaccine, Vaccination, and Test Reagents) of Article 1.5 to update the vaccination age of female dairy heifers age for consistency with the vaccine manufacturers recommendation.

2) INTERSTATE MOVEMENT OF SWINE FOR IMMEDIATE SLAUGHTER:

Food and Agricultural Code section 10781 authorizes the Director of the Department to adopt regulations to control swine diseases through limitations on their movement into and within California. In compliance with section 10781, the Department has in place existing swine movement regulations under Article 8.5 (Interstate and Intrastate Movement of Swine) of Chapter 2, Division 2, of Title 3 of the California Code of Regulations.

This proposal amends section 796.6 (Movement of Swine into California for Immediate Slaughter) of Article 8.5 to require an Interstate Livestock Entry Permit when the State Veterinarian determines a risk exists with the importation of swine into California.

3) QUARANTINE:

Food and Agricultural Code section 9562 authorizes the State Veterinarian to quarantine or restrict the movement of animals or animal products to minimize the risk of an illness that could kill or seriously damage other animals or humans. In compliance with section 9562, the Department has in place existing quarantine regulations under Article 3 (Quarantine) of Chapter 7, Division 2, of Title 3 of the California Code of Regulations.

This proposal adds a definition to section 1301 (Definitions) of Article 3 to enhance the use of professional judgment, as delegated by the State Veterinarian, to determine when a population of animals may carry a disease.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Department has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. This proposal pertains to the vaccination age of female dairy cattle, removes the requirement to obtain an Interstate Livestock Entry Permit for slaughter swine entering California, and clarifies the Department's interpretation of the term "may carry" as referenced in Food and Agricultural Code section 9562. This proposal imposes the following paperwork, recordkeeping and reporting requirements upon businesses:

- 1) **Paperwork:** This proposal contains paperwork requirements consisting of brucellosis vaccine used for brucellosis calfhoo vaccination, and eartags used for identifying vaccinated cattle. All female beef and dairy cattle are required to be vaccinated for brucellosis and shall maintain an identification eartag and tattoo declaring the animal as a vaccinated animal. This proposal amends the age at which vaccination is required for dairy cattle. This change will not have an affect on existing costs for vaccinating and identifying cattle.

- 2) Record Keeping: This proposal does not contain a record keeping requirement. However, veterinarians vaccinating cattle against brucellosis are required to report specified information to the Department. Information required to be reported is maintained by the Department for purposes of tracing animals in the event of a disease outbreak. Veterinarians may keep records of vaccinations conducted by their businesses, and persons owning cattle may also keep copies of these records. These processes could therefore be considered a record.
- 3) Reporting: This proposal contains reporting requirement consisting of the use of all vaccines for brucellosis calfhood vaccination and eartags used for identification. Costs for compliance with this requirement are existing costs; the proposed change of vaccination age would not have any affect on these existing costs.

In making these determinations, the Department has not considered alternatives that would lessen any adverse economic impact on businesses and invites the public to submit such proposals during the written comment period. Submissions may include the following considerations:

- The establishment of differing compliance, reporting requirements or timetables that take into account the resources available to businesses.
- The consolidation or simplification of compliance and reporting requirements for businesses.
- The use of performance standards rather than prescriptive standards.
- Exemption or partial exemption from the regulatory requirements for businesses.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Cost Impacts on Private Persons or Entities: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Department are:

- 1) Paperwork: This proposal contains paperwork requirements consisting of brucellosis vaccine used for brucellosis calfhood vaccination, and eartags used for identifying vaccinated cattle. All female beef and dairy cattle are required to be vaccinated for brucellosis and shall maintain an identification eartag and tattoo declaring the animal as a vaccinated animal. This proposal amends the age at which vaccination is required for dairy cattle. This change will not have an affect

on existing costs for vaccinating and identifying cattle.

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- 3) Reporting: This proposal contains reporting requirement consisting of the use of all vaccines for brucellosis calfhood vaccination and eartags used for identification. Costs for compliance with this requirement are existing costs; the proposed change of vaccination age would not have any affect on these existing costs.

Effect on Housing Costs: None

Finding of Necessity for Report: The Department finds that it is necessary for the health, safety, and general welfare of the people of the State that this regulation requiring a report applies to businesses.

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Department of Food and Agriculture must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing (if a hearing is requested from the public), or during the public comment period.

INITIAL STATEMENT OF REASONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing (if a hearing is requested) or during the public comment period upon request from the Department of Food and Agriculture, 1220 N Street, Room A-114, Sacramento, CA 95814.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

Any person may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

CONTACT PERSONS

Inquires concerning the substance of the proposed regulations is to be addressed to the following:

Name: Anita J. Edmondson, BVM&S,
MPVM, MRCVS
Address: Department of Food and
Agriculture
Animal Health and Food Safety
Services
1220 N Street, Room A-114
Sacramento, CA 95814
Telephone No.: (916) 651-9135
Fax No.: (916) 653-4249
E-mail address: aedmondson@cdfa.ca.gov

The backup contact person is:

Name: Thami Rodgers, Associate
Analyst
Address: Department of Food and
Agriculture
Animal Health and Food Safety
Services
1220 N Street, Room A-114
Sacramento, CA 95814
Telephone No.: (916) 698-3276
Fax No.: (916) 653-4249
E-mail address: trodgers@cdfa.ca.gov

Written comments, facsimiles or e-mails regarding this proposal are to be addressed to the following:

Name: Thami Rodgers, Associate
Analyst
Address: Department of Food and
Agriculture
Animal Health and Food Safety
Services
1220 N Street, Room A-114
Sacramento, CA 95814
Telephone No.: (916) 698-3276
Fax No.: (916) 653-4249
E-mail address: trodgers@cdfa.ca.gov

Website Access: Materials regarding this proposal can be found at www.cdfa.ca.gov

**TITLE 5. CALIFORNIA STUDENT AID
COMMISSION**

**NOTICE OF PROPOSED RULEMAKING
AMENDMENT TO TITLE 5, CA CODE OF
REGULATIONS, §30023(c), REGARDING
GRACE PERIOD FOR SUBMISSION OF
GRADE POINT AVERAGES AFTER CAL
GRANT APPLICATION DEADLINE
(EDUCATION CODE 69432.9)**

NATURE OF PROCEEDING

Notice is given that the California Student Aid Commission (CSAC) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal is currently not scheduled. However, any interested person or duly authorized representative may request, no later than 15 days before the close of the written comment period that a public hearing be scheduled.

Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the California Student Aid Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days before its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

California Student Aid Commission
Attention: Sanjay Singh
P.O. Box 419028
Rancho Cordova, CA 95741-9026

Comments may also be submitted by facsimile (FAX) at (916) 526-8002 or by email to sp Singh@csac.ca.gov. Written comments must be submitted before 5:00 p.m. on January 15, 2007.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 69433.7 of the Education Code, the California Student Aid Commission is considering changes to Title 5 of the California Code of Regulations, Section 30023, to amend the grace period for submission to the Commission of grade point average(s) after the filing deadline for Cal Grant applications. The commission is implementing, interpreting and making specific 69432.9(c) of the Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission administers the Cal Grant Program pursuant to Education Code Section 69430 et seq. The Cal Grant Program includes two types of awards. Entitlement awards are made to all students who meet specified academic and financial need requirements, regardless of the number of applicants. In addition, a limited number of competitive awards are made by selection of the most qualified applicants. Applications for awards must be submitted by a specified deadline each year. (Ed. Code §§ 69434(b)(1), 69435.3(a)(1), 69436(b)(1), 69437(b)(1).) Education Code Section 69432.9, subdivision (c), specifies that a grade point average (GPA) must be submitted by Cal Grant A and B applicants, and requires the Commission to adopt regulations that establish a "grace period" for the receipt of GPAs.

Pursuant to the authority provided in Education Code Section 69432.9, subdivision (c), the Commission adopted California Code of Regulations, Title 5, §30023(c), to establish a 20-day grace period following the Cal Grant application deadline in which educational institutions could request that the Commission accept a late submission of an applicant's GPA. The regulation specifies that the Commission will accept, on a case-by-case basis, the submission of an applicant's GPA

from the educational institution after the established application deadline if, in the Executive Director's opinion, circumstances beyond the control of the applicant prevented or delayed the timely submission of the GPA, and if such request for late submission of the GPAs is received no later than twenty (20) days after the established deadline.

The grace period established in this regulation is unduly restrictive. It makes no distinction between the entitlement and competitive award programs, which fundamentally differ in the way grants are awarded to applicants. Because a limited number of competitive awards are available and only the most qualified applicants can be selected, a shorter grace period is necessary to allow the pool of applicants to be fixed at a specific point in time and the selection of applicants from that pool to be made on a timely basis. In contrast, the purpose of the entitlement program is to make awards to all qualified applicants, and entitlement awards need not be made from a fixed pool on a specified date. Extending the grace period for entitlement award applicants assures an opportunity for all qualified applicants to be considered, consistent with the purpose of the program. Second, the regulation currently allows only the educational institution to request that the Commission accept a late GPA. Since the applicant is the intended beneficiary of the Cal Grant Program, it is inconsistent with the purpose of the program to restrict the applicant's ability to make a request directly to the Commission and instead to make him dependent upon his school to make a request on his behalf.

In addition, technological advances have changed the way grade point averages are submitted to the Commission, and some schools, especially high schools with limited or nonexistent Information Technology (IT) departments, have not been able to keep up as well as colleges or vocational schools, who typically have more IT-related resources than high schools, prompting longer delays in reporting GPAs to the Commission.

The proposed amendment to Section 30023(c) will make the following changes to the regulation:

- 1) For requests to accept late submission of GPAs made by or on behalf of applicants for entitlement awards, extends the 20-day grace period following the March 2nd filing deadline to 75 days. The 20-day grace period would be retained for competitive applicants only.
- 2) Requires the Commission to notify applicants who may be eligible for a Cal Grant entitlement award no later than 45 days after the March 2nd filing deadline that the Commission has not received the applicant's GPA and of the deadline to request late submission.

- 3) Clarifies that individual applicants for entitlement or competitive awards, in addition to reporting institutions, can submit a request to the Commission to accept late submission of the applicant's GPA after the established application deadline.
- 4) Clarifies the information that must be submitted to support requests for late submission of GPAs, showing that Circumstances beyond the control of the applicants prevented timely submission. The supporting information must consist of certification from the reporting institution that circumstances beyond the control of the applicant prevented or delayed the timely submission of GPAs to the Commission, proof that the GPA was originally mailed to the Commission by the filing deadline, or a description, under penalty of perjury, of the facts showing the circumstances beyond the control of the applicant prevented or delayed the timely submission of GPAs to the Commission.
- 5) Clarifies the deadlines for application, and specifies when deadlines for requests for late submission of GPAs will be extended.
- 6) For requests to accept late submission of GPAs made by or on behalf of applicants for entitlement awards for the March 2, 2006 deadline only, extends the grace period for receipt of such requests to August 31, 2006, to allow the Commission to consider a number of late requests that were received after the existing 20-day grace period.

The regulation retains the existing requirement that requests for late submission of GPAs will be considered on a case-by-case basis, and accepted only if, in the opinion of the Executive Director, circumstances beyond the control of the applicant prevented or delayed the timely submission of the GPA to the Commission. There is no change to the existing requirement that applicants must submit a financial aid application (FAFSA) by the established deadline. The regulation retains the ability for reporting institutions to submit a request to the Commission on behalf of applicants to accept late submission of GPAs.

The objective of the proposed amendments are to accomplish the Legislative intent of the Cal Grant entitlement program of providing state aid to all eligible applicants, by eliminating an unnecessarily restrictive grace period for late submission of the applicants' GPAs.

There is no comparable existing federal statute or regulation.

LOCAL MANDATE DETERMINATION

The Commission has determined that the proposed regulation does not impose a mandate on local agencies or school districts or impose costs that may be reimbursed in accordance with Government Code Section 17500 et seq., or impose any other nondiscretionary costs or savings on any local agencies or school districts. The amendment clarifies an existing requirement regarding the submission of GPAs by educational institutions without imposing new costs. Schools are not required to submit requests for late submissions of GPAs but may choose to do so.

FISCAL IMPACT ESTIMATES

The Commission has determined that the proposed regulation will not result in any cost or savings in federal funding to the state. The Commission has determined that the proposed regulation will result in some additional cost to the state. The regulation would allow some applicants for Cal Grant entitlement awards to receive funding who would not receive funding under the existing regulation because of the limited grace period in which to submit late GPAs.

COST OR SAVINGS TO STATE AGENCIES

The average cost for a new entitlement award for the 2006-07 academic-year is \$3,112; based on the May revision to the January 2006 Governor's budget and contained in information shared with the Department of Finance. The cost estimates for awarding 100, 125, and 150 entitlement applicants, respectively, are listed below:

Average cost for a new 2006-07 Cal Grant Entitlement award: \$3,112

100 applicants \times \$3,112 = \$311,200

125 applicants \times \$3,112 = \$389,000

150 applicants \times \$3,112 = \$466,800

This cost would be incurred by the Commission under the Cal Grant Program, but would not place any additional costs on local school districts or other state or federal agencies, as schools are not mandated to submit GPAs to the Commission but do so on a voluntary basis.

The Commission expects that, by extending the grace period to 75 days past the established deadline for entitlement applicants to request late GPA submission, there will be a population of applicants who will request and receive approval for late GPA submission. It is assumed, using the baseline number established for the retroactive portion of this emergency regulation amendment, that the number of applicants will be at least that of the March 2006 award cycle, with approximately 100-150 additional applicants receiving a Cal Grant entitlement award.

EFFECT ON HOUSING COSTS

None.

BUSINESS IMPACT/SMALL BUSINESSES

CSAC has made an initial determination that the proposed regulatory action would have no significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal would impose no costs upon business. The proposal does not affect small businesses as defined by Government Code Section 11342.610.

ASSESSMENT REGARDING EFFECT
ON JOBS/BUSINESSES

CSAC has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACT ON REPRESENTATIVE
PERSON OR BUSINESS

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

BUSINESS REPORT

This regulatory proposal does not require a report.

ALTERNATIVES

CSAC must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries concerning the proposed adoption of this regulation and written comment may be directed to:

California Student Aid Commission
Sanjay Singh
P. O. Box 419026
Rancho Cordova, CA 95741-9026
(916) 526-8254

or,

California Student Aid Commission
Tae Kang
P. O. Box 419026
Rancho Cordova, CA 95741-9026
(916) 526-7961

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons and all the information upon which the proposal is based may be obtained upon request from CSAC, P. O. Box 419026, Rancho Cordova, CA 95741-9026. These documents may also be viewed and downloaded from the CSAC website at www.csac.ca.gov

AVAILABILITY OF RULEMAKING
DOCUMENTS

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the persons named above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named above.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons is available, it may be viewed and downloaded from the CSAC website at www.csac.ca.gov. Additionally, requests for the Final Statement of Reasons could be made to the contact person named above.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.csac.ca.gov.

**TITLE 8. PUBLIC EMPLOYMENT
RELATIONS BOARD**

**NOTICE OF PROPOSED RULEMAKING
AGENCY FEE REGULATIONS**

The Public Employment Relations Board (PERB or Board) proposes to adopt, amend or repeal the regula-

tions described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend sections 32990, 32992, 32994, 32995, 32996 and 32997, to repeal section 32991, and to repeal and adopt section 32993.

PUBLIC HEARING

The Board will hold a public hearing at 10:00 a.m., on February 8, 2007, in Room 103 of its headquarters building, located at 1031 18th Street, Sacramento, California. Room 103 is wheelchair accessible. At the hearing, any person may orally present statements or arguments relevant to the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing. Any person wishing to testify at the hearing is requested to notify the Office of the General Counsel as early as possible by calling (916) 322-3198 to permit the orderly scheduling of witnesses and to permit arrangements for an interpreter to be made if necessary.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on February 5, 2007. Written comments will also be accepted at the public hearing. Submit written comments to:

Robin Wesley, Acting General Counsel
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95184
FAX: (916) 327-6377
E-mail: rwesley@perb.ca.gov

AUTHORITY AND REFERENCE

Pursuant to Government Code section 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Educational Employment Relations Act (EERA). Pursuant to Government Code sections 3509(a) and 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the pur-

poses and policies of the Meyers-Milius-Brown Act (MMBA). Government Code section 3513(h) authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Ralph C. Dills Act (Dills Act). Government Code section 3563 authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Higher Education Employer-Employee Relations Act (HEERA). Pursuant to Public Utilities Code section 99561(f), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA). Pursuant to Government Code sections 3541.3(g) and 71639.1(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Governance and Employment Protection Act (Trial Court Act). Pursuant to Government Code sections 3541.3(g) and 71825(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act).

General reference for section 32990: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5 and 71814, Government Code; Section 99566.1, Public Utilities Code; and Chicago Teachers Union, Local No. 1 v. Hudson (1986) 475 U.S. 292. General reference for section 32991: Sections 3502.5(a), 3513(k), 3540.1(i), 3543, 3546, 3583.5(a), 71632.5 and 71814, Government Code; Section 99566.1, Public Utilities Code; and Chicago Teachers Union, Local No. 1 v. Hudson (1986) 475 U.S. 292. General reference for section 32992: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5 and 71814, Government Code; Section 99566.1, Public Utilities Code; and Chicago Teachers Union, Local No. 1 v. Hudson (1986) 475 U.S. 292. General reference for section 32993: Sections 3502.5, 3515.7, 3546.5, 3584(b), 3587, 71632.5 and 71814, Government Code; Sections 99566.1 and 99566.3, Public Utilities Code; and Chicago Teachers Union, Local No. 1 v. Hudson (1986) 475 U.S. 292. General reference for section 32994: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5 and 71814, Government Code; Section 99566.1, Public Utilities Code; and Chicago Teachers Union, Local No. 1 v. Hudson (1986) 475 U.S. 292. General reference for section 32995: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5 and 71814, Government Code; Section 99566.1, Public Utilities Code; and Chicago Teachers Union, Local No. 1 v. Hudson (1986) 475 U.S.

292. General reference for section 32996: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5 and 71814, Government Code; Section 99566.1, Public Utilities Code; and Chicago Teachers Union, Local No. 1 v. Hudson (1986) 475 U.S. 292. General reference for section 32997: Sections 3502.5, 3515.7, 3519.5, 3540.1(i), 3542(d), 3543.6, 3543, 3546, 3546.5, 3563.2, 3564(d), 3571.1, 3583.5, 71632.5 and 71814, Government Code; Sections 99563.8, 99566.1 and 99566.3, Public Utilities Code; and Chicago Teachers Union, Local No. 1 v. Hudson (1986) 475 U.S. 292.

POLICY STATEMENT OVERVIEW

PERB first adopted regulations addressing agency fee collection issues in 1989, with the adoption of Subchapter 8, Article 1 of Chapter 1 (sections 32990 through 32997). The Initial Statement of Reasons for the adoption of the new rules read, in part, as follows:

In 1986, the United States Supreme Court issued its decision in Chicago Teachers Union, Local No. 1 v. Hudson, 475 US 292. The Hudson case imposes certain due process obligations upon the collection of agency (or service) fees. These are: (1) adequate explanation of the basis of the fee as verified by an independent auditor, (2) reasonably prompt opportunity to file and have heard any objections before an independent, impartial adjudicator, and (3) escrow of amounts reasonably in dispute pending adjudication.

Hudson followed the significant cases, Abood v. Detroit Board of Education (1977) 431 US 209 and Ellis v. Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (1984) 466 US 435. In Abood, the Supreme Court decided that a non-member employee's rights under the First Amendment were not violated by an agency fee provision provided that the fee covered the exclusive representative's obligation to negotiate and administer the collective bargaining agreement; in essence, the Abood court found that a "no free riders" arrangement was constitutional. The Court, however, did not further delineate between permissible and impermissible expenditures. Then, in Ellis, the Supreme Court held that specific expenditures by the exclusive representative would be reviewed by the following test:

“. . . (w)hether the challenged expenditures are necessarily or reasonably incurred for the purpose of performing the duties of an exclusive representative of the employees in dealing with the employer on labor-management issues.” Ellis at p. 442.

While none of these cases directly involved the three statutes administered by the Public Employment Relations Board (PERB),^[1] the cases were decided by the U. S. Supreme Court and must be followed by PERB in regulating agency fees.

These regulations have been updated as agency fees were authorized under additional statutes and as PERB's jurisdiction was extended to cover additional public sector collective bargaining statutes, but no substantive amendments have been adopted. In August 2004, the California Teachers Association (CTA), on its own behalf and on behalf of several other unions that collect agency fees, proposed that PERB revise the agency fee regulations, urging that the regulations be scaled back to address only procedural requirements. The unions argued that subsequent developments in case law made it unnecessary to address substantive issues through the regulations and that maintaining substantive agency fee law in regulation is problematic when new decisions conflict with the existing regulations.

PERB solicited and received comments from other interested parties concerning the proposals submitted by CTA. A workshop discussion was held on March 3, 2005, to allow the interested parties to further discuss these issues with PERB and with one another. Additional written comments and information were submitted by parties following the March 2005 workshop.

In April 2006, based on the comments earlier received, PERB staff prepared a draft of possible revisions to the agency fee regulations and circulated that draft to interested parties, along with an invitation to attend a second workshop discussion on May 16, 2006. PERB again received both written and oral comments.

Following consideration of all comments received from August 2004 through the workshop discussion of May 16, 2006, as well as developments in case law since enactment of the agency fee regulations in 1989, PERB now proposes to adopt the changes summarized below. The focus of the changes is to provide greater clarity, especially with respect to the distinction between objections to payment of nonchargeable expenses and challenges to the calculation of the chargeable and nonchargeable expenditures. The amendments

¹ In 1989, PERB jurisdiction included only EERA, the Dills Act and HEERA, but HEERA did not provide for the collection of agency fees at that time.

also seek to clarify aspects of the notice and escrow requirements, and to eliminate unnecessary regulations, while updating the regulations consistent with current case law in this area.

INFORMATIVE DIGEST

In section 32990, subsections (a) through (g) would be deleted. The definitional provisions to be deleted simply repeat information already contained in the statutes and reiterate citations also contained in the authority and reference for the section. The remaining language of this section would be revised to make usage of terms more consistent throughout the agency fee regulations.

Section 32991 would be deleted because it simply repeats information concerning the amount of agency fees contained in the statutes.

Section 32992(a) is modified to clarify the obligation of the exclusive representative regarding the content of the notice to agency fee payers. The exclusive representative is obligated to provide each nonmember paying a fee information regarding the amount of the fee. This requirement is consistent with the obligation under the National Labor Relations Board (California Saw & Knife Works (1995) 320 NLRB 224). Language requiring that the nonmember receive the notice is deleted. In addition, section 32992(a) requires that the exclusive representative provide for a procedure to object and a procedure to challenge. The distinction between objecting to paying for nonchargeable expenditures and challenging the exclusive representative's calculations of what is chargeable is blurred in the present regulations. Section 32992(b) is amended to give a union the option of having its expenditures audited or giving a nonmember the opportunity to independently verify the validity of the exclusive representative's spending claims. However, the amendment to section 32992(b) specifies that the option to provide an unaudited financial report applies only to exclusive representatives whose annual revenues are less than \$50,000. The dollar amount is based on the ruling in Harik v. California Teachers Association (9th Cir. 2003) 326 F.3d 1042 (Harik), and that decision is added to the reference for this section. The language of section 32992(c) is modified in an attempt to clarify, rather than change, when the agency fee notice must be provided, and the relationship of the timing of the notice to the escrow requirements of section 32995.

The present section 32993 would be deleted. The deleted provision requires that the exclusive representative's financial report contain information also required

in the notice. Duplication of the information serves no purpose. Proposed new section 32993 requires an exclusive representative to provide a procedure for nonmembers to object to payment of the portions of the fee used for nonchargeable expenditures. As noted above, this requirement is not clearly distinguished in the present regulations from the right to challenge the calculation of the chargeable and nonchargeable expenditures. The proposed new section also clarifies the requirements for the procedure, including the requirement that the procedure allow at least 30 days following the notice for the filing of an objection.

Section 32994 is amended to clarify the right of an agency fee payer to challenge the determination of chargeable expenditures. The revisions delete the misleading use of the term "objector" that is normally used to refer to one who only objects to the spending of his/her fee on nonchargeable expenditures. The amendments clarify various aspects of the required procedures, including the requirement that the procedure allow at least 30 days following the notice for the filing of a challenge.

Revisions to section 32995 clarify the escrow requirements for the exclusive representative to cover both objectors and challengers.

One conforming change in language is proposed for section 32996.

In section 32997, only the Authority section has been modified, to include a reference to Harik that relates to whether the financial statements contained in the notice must be audited (see regulation 32992(c)(2)).

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary costs or savings on local agencies. This proposal does not result in any costs or savings in federal funding to the state.

COSTS OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

BUSINESS IMPACT/SMALL BUSINESSES

PERB has made an initial determination that the proposed regulatory action would have no significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by section 11342.610. The proposal only affects public employees and employee organizations representing public employees.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

PERB has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS

None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board will have the entire rulemaking file available for inspection and copying throughout the rule-

making process at its office, at the address below. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the Initial Statement of Reasons. Copies of these documents and the Final Statement of Reasons may be obtained by contacting Robin Wesley at the address or phone number listed below.

ADOPTION OF PROPOSED REGULATIONS, AVAILABILITY OF CHANGED OR MODIFIED TEXT AND FINAL STATEMENT OF REASONS

Following the hearing, the Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text — with changes clearly indicated — shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations and/or the final statement of reasons should be sent to the attention of Robin Wesley at the address indicated below. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

WEB SITE ACCESS

The Board will maintain copies of this Notice, the Initial Statement of Reasons and the text of the proposed regulations on its web site, found at www.perb.ca.gov, throughout the rulemaking process. The Final Statement of Reasons or, if applicable, notice of a decision not to proceed, will be posted on the web site following the Board's action.

CONTACT PERSONS

Any questions or suggestions regarding the proposed action or the substance of the proposed regulations should be directed to:

Robin Wesley, Acting General Counsel
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95814
(916) 327-8385

or

Les Chisholm, Regional Director
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95814
(916) 327-8383

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **January 18, 2007**, at 10:00 a.m. in the Costa Mesa City Council Chambers
77 Fair Drive, Costa Mesa, California 94626.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **January 18, 2007**, following the Public Meeting in the Costa Mesa City Council Chambers
77 Fair Drive, Costa Mesa, California 94626.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **January 18, 2007**, following the Public Hearing in the Costa Mesa City Council Chambers
77 Fair Drive, Costa Mesa, California 94626.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should

contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders; General Industry Safety Orders; and Ship Building, Ship Repairing, and Ship Breaking Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **January 18, 2007**.

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 4
Sections 1529, 1532, 1532.1, and 1535
GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 107,
Section 5144
Article 109, Sections 5190 and 5198
Article 110, Sections 5200, 5202,
5207, 5208, 5210, 5211, 5212, 5213,
5214, 5217, 5218, and 5220
SHIP BUILDING, SHIP REPAIRING, AND SHIP BREAKING SAFETY ORDERS
Chapter 4, Subchapter 18, Article 4
Section 8358
Assigned Protection Factors for Respirators

2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 98
Section 5001
Cranes and Other Hoisting Equipment—Signals

Descriptions of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 4
Sections 1529, 1532, 1532.1, and 1535
GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 107,
Section 5144
Article 109, Sections 5190 and 5198
Article 110, Sections 5200, 5202,
5207, 5208, 5210, 5211, 5212, 5213,
5214, 5217, 5218, and 5220
SHIP BUILDING, SHIP REPAIRING, AND SHIP BREAKING SAFETY ORDERS
Chapter 4, Subchapter 18, Article 4
Section 8358
Assigned Protection Factors for Respirators

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt standards at least as effective as federal standards addressing occupational safety and health issues.

On August 24, 2006, the U.S. Department of Labor, Occupational Safety and Health Administration (federal OSHA) promulgated standards addressing assigned protection factors for respirators in 29 Code of Federal Regulations, Parts 1910, 1915, and 1926. The Board is relying on the explanation of the provisions of the federal standards in Federal Register, Volume 71, No. 164, pages 50122–50192, August 24, 2006, as the justification for the Board's proposed rulemaking action. The Board proposes to adopt standards which are the same as the federal standards except for editorial and format differences.

In the final rule, federal OSHA has revised its existing Respiratory Protection Standard to add definitions and requirements for Assigned Protection Factors (APFs) and Maximum Use Concentrations; and, specify a set of APFs for each class of respirators. These APFs specify the highest multiple of a contaminant's

permissible exposure limit at which an employee can use a respirator safely. The final rule supersedes most of the existing APFs specified in the substance specific standards and harmonize APFs for these substances with those for general respirator use.

Because the proposed standards are substantially the same as the final rule promulgated by federal OSHA, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting standards substantially the same as a federal standard. However, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing is to: 1) identify any clear and compelling reasons for California to deviate from the federal standard; 2) identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and, 3) solicit comments on the proposed effective date. The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

The effective date is proposed to be upon filing with the Secretary of State as provided by Labor Code Section 142.3(a)(3). The standards may be adopted without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

COST ESTIMATES OF PROPOSED ACTION

Federal Register, Volume 71, No. 164, August 24, 2006, Preamble Section V, indicates that the cost to employers associated with implementing the amendments to 29 CFR Parts 1910, 1915, and 1926 are estimated to be \$4.4 million for all establishments nationally. California employers' share of this total estimated cost is assumed to reflect its 12 percent proportion of the U.S. population or approximately \$0.5 million.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because these standards do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article

XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no significant economic impact is anticipated. Federal Register, Volume 71, No. 164, August 24, 2006, Preamble Section V, indicates the average compliance costs for small entities are less than 0.005 percent of average revenues and less than 0.03 percent of average profits. In addition, the preamble to the final rule goes on to state that these costs are likely over estimated and do not include anticipated cost benefits. Thus, federal OSHA projects no significant impacts from the rule on small entities.

ASSESSMENT

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**

Chapter 4, Subchapter 7, Article 98
Section 5001

Cranes and Other Hoisting Equipment—Signals

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This proposed rulemaking was initiated in response to a Division of Occupational Safety and Health (Division) Request for New or Change in Existing Safety Order (Form 9), dated February 9, 2006, to amend existing signaling standards for cranes and hoisting equipment. According to the Division, there is a potential hazard from conflicting operational radii of cranes and other boom-type equipment on construction worksites. Inadvertent contact between equipment can result in serious employee injury or fatality, substantial damage to jobsite equipment and endangering the general public. In addition, operators and other jobsite employees working under the swing radii of the equipment could be exposed to falling objects such as the hoisted loads, load lines, and various structural and operating components of the equipment, causing potentially serious injury or fatality.

Section 5001 prescribes requirements for qualified signal persons, signaling systems and methods, and posting of signaling system methods at the jobsite, but does not specifically address communication between the crane operator and signal persons when other cranes are present on the jobsite within the swing radii of the crane where accidental, catastrophic contact could occur.

Board staff notes that the American Society of Mechanical Engineers (ASME) B30.5–2000 standard for Mobile and Locomotive Cranes specifies in Section 5–3.3 Signals, that standard signals to the operator of the crane shall be used (i.e., hand signals) unless voice communication equipment such as telephone, radio or equivalent is used. The ASME B30.5 standard also requires that all signals be discernable or audible at all times and most importantly, no response by the operator shall be made unless all signals are clearly understood. The ASME B30.5 standard further underscores the importance of equipment operators receiving clear instruction before moving loads. Identical signaling provisions are contained in ASME tower crane standards.

The following amendments to Section 5001 are proposed:

Section 5001—Signals.

This section requires the use of a qualified signal person when the point of operation is not in full and direct

view of the operator unless a signaling or control device is provided for the safe direction of the operator. It also addresses: 1) giving stop signals, 2) use of a uniform signal system, 3) use of hand signals, 4) care of systems other than manual (hand) signal systems, and 5) posting of legible charts which explain and depict the type of signaling system in use.

It is proposed to add a new subsection (f)(1) which would require the employer to ensure effective communication and notification to jobsite crane operators and signal persons of the presence of other cranes which are operating within the swing radii of each other.

The proposed subsection (f)(1) is consistent with pre-job planning which is already required by Construction Safety Orders, Section 1511(b) to the extent that all predictable safety hazards must be identified and safeguarded against prior to the start of work.

A new subsection (f)(2) is proposed that would apply whenever two-way radio communication is utilized as a means of communication and would require the employer to utilize a dedicated frequency. The effect of subsection (f)(2) would be to require employers who choose to use wireless radio frequency communication devices to satisfy the requirements of subsection (f)(1), to identify and have the crane operator and signal person tuned to a specific frequency for the duration of the operation. This would assure no interference or cross-talk that might render critical communication ineffective.

Employers electing to use two-way radios may need to apply for and acquire a Federal Communications Commission (FCC) frequency license granting a specific frequency to the employer. The cost of the licensing fee is approximately \$105 (good for 10 years).

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. The proposal permits the employer to select and implement a method of communication that will effectively notify crane operators and signal persons operating in each others swing radii of their presence to avoid catastrophic contact. Consistent with testimony from stakeholders at the June 20, 2006, advisory committee, this is consistent with existing industry practice. The use of two-way radio communication devices either wireless or hard wire systems is not mandatory, but if used they must be operated on a dedicated frequency to avoid radio-frequency interference that could render the communication ineffective. In some cases, employers who choose two-way radio communications may need to acquire an FCC li-

cense granting them use of a specific frequency. An FCC license costs \$105 and is good for 10 years.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. (See Cost or Savings to State Agencies).

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing

services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES,

The Board has determined that the proposed amendment may affect small businesses. However, no significant economic impact is anticipated for two reasons: 1) the cost of purchasing radios is proportionally insignificant compared to overall project costs (See Cost or Savings to State Agencies), and 2) in accordance with existing construction protocols, stakeholders who may be affected by the proposal currently rely on radio communication on jobsites where boom type mobile equipment is operated and the hazard of inadvertent contact exists.

ASSESSMENT

The adoption of the proposed amendment to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramen-

to, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than January 12, 2007. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on January 18, 2007, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

**TITLE 20. CALIFORNIA ENERGY
COMMISSION**

NOTICE OF PROPOSED ACTION

**PROPOSED AMENDMENTS TO APPLIANCE
EFFICIENCY REGULATIONS CALIFORNIA
CODE OF REGULATIONS, TITLE 20,
SECTIONS 1602, 1604, 1606, and 1607**

**CALIFORNIA ENERGY COMMISSION
Docket Number 07-AAER-1
December 1, 2006**

INTRODUCTION

The California Energy Commission (“Energy Commission”) proposes to adopt changes to its appliance efficiency regulations contained in the California Code of Regulations (CCR), Title 20, Sections 1602, 1604, 1606, and 1607. The purpose of this rulemaking is to adopt amendments to the Appliance Efficiency Regulations consistent with federal and state law and with: (1) a Court Order,¹ and (2) a Joint Status Conference Statement Order.² (henceforth both documents referred to as “federal Court Order”)

**PUBLIC COMMENT PERIOD/AVAILABILITY
OF DOCUMENTS/CONTACT PERSONS/
PUBLIC HEARING**

The Commission has prepared an Initial Statement of Reasons regarding the need for the proposed amendments. The Commission has also published the Express Terms (45-Day Language) of the proposed amendment language. These documents can be obtained from the contact persons designated below or from the Commission website at: <http://www.energy.ca.gov/appliances/index.html>.

The Commission’s Energy Efficiency Committee will hold a public hearing on the following date to receive public comment on the Express Terms:

DECEMBER 20, 2006

10:00 a.m.
California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair Accessible)

Audio from this meeting will be broadcast over the Internet. For details, please go to www.energy.ca.gov/webcast.

At this hearing any person may present statements or arguments relevant to the proposed action. Interested persons may also submit written comments; if possible, please provide written comments to be considered at the Committee hearing by December 18, 2006. The Commission appreciates receiving written comments at the earliest possible date.

The hearing before the full Commission for adoption of the 45-Day Language Express Terms will be held on the following date unless the Commission decides to modify the Express Terms through the issuance of 15-day language.

PROPOSED ADOPTION DATE

The full Energy Commission will consider adopting the proposed amendments at the following hearing:

January 17, 2007

10:00 a.m.
California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair accessible)

Audio for the January 17, 2007 adoption hearing will be broadcast over the internet. For details, please go to www.energy.ca.gov/webcast/. If you have a disability and require assistance to participate in these hearings, please contact Lou Quiroz at (916)654-5146 at least 5 days in advance.

At the hearings any person may present written or oral comments on the proposed amendments.

WRITTEN COMMENTS

Any interested person may submit written comments on the proposed amendments. Regarding the hearings, the Commission appreciates receiving written comments at the earliest possible date: for the 20 December Committee Hearing, please provide written comments by December 18, 2006; for the January 17, 2007 full Energy Commission hearing, please provide written com-

¹ See Court Order Vacating Injunction, Dismissing Complaint and Entering Judgment for Defendants [Energy Resources Conservation and Development Commission] dated September 8, 2006 by the Honorable Judge William B. Shubb of the United States District Court for the Eastern District of California (Case No. 2:02-CV-02437-W BS-PAN).

² See Joint Status Conference Statement Order dated September 11, 2006. (Case No. 2:02-CV-02437-WBS-EFB).

ments by January 12, 2007. However, written comments will still be accepted at the hearing itself. In addition, written comments will be considered if they are received by 10:00 a.m. on January 17, 2007 at the Commission's Docket Unit. Written comments shall be emailed to Docket@energy.state.ca.us or mailed or delivered to the following address (emailing is preferred):

California Energy Commission
Docket No. 07-AAER-1
Docket Unit
1516 Ninth Street, Mail Station 4
Sacramento, California 95814-5504

All written comments must indicate "Docket No. 07-AAER-1". When comments are emailed on behalf of an organization, the comments should be a scanned copy of the original on the organization's letterhead and include a signature of an authorized representative.

AUTHORITY AND REFERENCE

The Energy Commission proposes to adopt the amendments under the authority of Public Resources Code Sections 25213, 25218(e), and 25402(a)-(c). The proposed amendments implement, interpret, and make specific Public Resources Code Sections 25402(a)-(c).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law [Public Resources Code Section, 25402(c)] requires the Energy Commission to adopt regulations that prescribe minimum efficiency levels for appliances. The Energy Commission first adopted appliance regulations in 1976 and has periodically revised them since then.

The purpose of this rulemaking is to adopt amendments to the existing Appliance Efficiency Regulations contained in the California Code of Regulations (CCR), Title 20, Sections 1602, 1604, 1606, and 1607. The proposed amendments must be consistent with federal law and with: (1) a Court Order,³ and (2) a Joint Status Conference Statement Order.⁴ (henceforth both documents referred to as "federal Court Order")

In addition to the proposed amendments required under the federal Court Order, the amendments also in-

clude some minor corrections and clarifications in the existing regulations.

In the rulemaking proceeding that is the subject of this Notice of Proposed Action ("NOPA"), the Energy Commission is proposing the following amendments to comply with the federal Court Order: (1) add definitions for "Basic Model" as defined for federally-regulated electric motors, and add a definition for "Motor Power Consumption", both have the purpose of avoiding confusion for testers of federally-regulated electric motors, (2) add amendment to update the federal Test Method required for specified air conditioners and heat pumps, which were changed by the federal Energy Policy Act of 2005, (3) add amendments to clarify that the testing of Basic Models of electric motors must include reported data consistent with the computer program (i.e., the MotorMaster+ program) required by the U.S. Department of Energy for electric motors, (4) make changes to various sections in the data submittal requirements of the Title 20 Appliance Efficiency Regulations, which currently have mandatory data submittal requirements, by making the data submittal voluntary, as they are not part of the federal Testing Requirements for the specified appliance, (5) add amendments that exclude specified appliances from the required data submittal because they are excluded from the federally regulated appliances, and (6) change the temperature requirements for required data submittal for some specified water-cooled central air conditioners and heat pumps, because of changes in the federal testing temperature levels for those appliances.

This rulemaking is also proposing to adopt amendments that are a direct result of the final federal Court Order vacating the injunction on enforcing many of the mandatory data submittal requirements of the Appliance Efficiency Regulations that were adopted by the Energy Commission in 2004.⁵ Those proposed changes are to the "Required Information" data submittal requirements of Section 1606 and change many existing voluntary reporting requirements to mandatory requirements as originally adopted in 2004.

Under the federal Court Order, Appendix A of the Joint Status Conference Statement, the Commission was ordered to consider the issues of (1) "highest sales volume" in relation to marking of commercial split sys-

³ See Court Order Vacating Injunction, Dismissing Complaint and Entering Judgment for Defendants [Energy Resources Conservation and Development Commission] dated September 8, 2006 by the Honorable Judge William B. Shubb of the United States District Court for the Eastern District of California (Case No. 2:02-CV-02437-WBS-PAN).

⁴ See Joint Status Conference Statement Order dated September 11, 2006. (Case No. 2:02-CV-02437-WBS-EFB).

⁵ In 2004, the Energy Commission adopted mandatory data submittal requirements in Section 1606. Subsequent to the 2004 adoption there was a federal Court injunction preventing the Energy Commission from enforcing these mandatory data submittals. To comply with this injunction the Energy Commission adopted emergency regulations to make these data submittal requirements voluntary only. As a result of the final federal Court Order, which vacated the injunction on enforcing these mandatory data submittal requirements, the Energy Commission is now adopting amendments to Section 1606 to restore the mandatory data submittal requirements as adopted in 2004.

tem central air conditioners, (2) eliminating or making voluntary horsepower of blower motors for belt-driven central air conditioners and heat pumps $\geq 65,000$ Btu/hr, (3) eliminating or making voluntary fan motor horsepower, design, type, and power factor for air-cooled central air conditioners, (4) how or whether or not data-submittal for “one-off” or custom models should be submitted for “models” using the “Motor Master” protocols used by the U.S. DOE, and (5) whether the data-submittal requirements for ballasts used with T5 or T8 fluorescent lamps should be modified or eliminated. No amendments for these 5 issues have been proposed in the ISOR, however, proposed changes will be considered by the Commission during the rulemaking process.

Finally, there are minor corrections to insure data accuracy input to the appliance data base and clarifying changes necessary to avoid confusion in the appliance program that are required by the data submittal regulations that are not part of the federal Court Order.

LIST OF DOCUMENTS INCORPORATED BY REFERENCE

1. MotorMaster+ Software Tool. This is a software program required by the U.S. Department of Energy, Energy Efficiency and Renewable Energy Information Center.

2. ISO 13256-1-1998. This is a testing procedure for Water-source heat pumps—Testing and rating for performance—Part 1: Water-to-air and brine-to-air heat pumps from the International Organization for Standards (ISO).

FEDERAL LAW

The proposed amendments do not conflict with federal law.

The proposed amendments are not mandated by federal law.

There are extensive federal regulations on appliance efficiency. (See 42 U.S.C. Section 6291 et seq.; 10 CFR Parts 430, 441.) The proposed amendments are consistent with the requirements of the federal Court Orders and are proposed to make consistent with federal law certain provisions of the title 20 Appliance Efficiency regulations.

STATUTORY REQUIREMENTS

California law requires that the Energy Commission’s appliance efficiency standards (1) apply to appliances that use a significant amount of energy on a sta-

tewide basis, (2) be based on feasible and attainable efficiencies or feasible improved efficiencies, and (3) be cost-effective based on a reasonable use pattern (i.e., not result in added total costs to the consumer, considering both any increased costs of the efficiency improvement and the reduced utility bill costs resulting from the improved efficiency, over the design life of the appliance). [Public Resources Code Section 25402(c)(1).]

LOCAL MANDATE

The proposed amendments will not impose a mandate on state or local agencies or districts.

ECONOMIC AND FISCAL IMPACTS

The Energy Commission has made the following initial determinations.

Fiscal Impact

Costs Requiring Reimbursement. The proposed amendments will not impose on local agencies or school districts any costs for which Government Code sections 17500 – 17630 require reimbursement.

Other Non-Discretionary Costs or Savings for Local Agencies. Local agencies that purchase appliances subject to efficiency standards sometimes have to pay increased purchase costs for those appliances. However, those costs are always recovered by reductions in natural gas and electricity bills. In this rulemaking, however, none of the proposed amendments will result in increased purchase costs because they either make clear for manufacturers the federally mandated requirements or make voluntary or exclude some appliances from existing data submittal requirements in section 1606.

Costs or Savings for State Agencies. State agencies that purchase appliances subject to efficiency standards sometimes have to pay increased purchase costs for those appliances. However, those costs are always recovered by reductions in natural gas and electricity bills. In this rulemaking, however, none of the proposed amendments will result in increased purchase costs because they either make clear for manufacturers the federally mandated requirements or make voluntary or exclude some appliances from existing data submittal requirements in section 1606.

Cost or Savings in Federal Funding to the State. The proposed amendments will not result in any costs or savings in federal funding to the state because they either make clear for manufacturers the federally mandated requirements or make voluntary or exclude some appliances from existing data submittal requirements in section 1606.

Effect on Housing Costs

There will be no effect on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States

The Energy Commission has made an initial determination that there will be no significant (or insignificant) adverse economic, fiscal, or environmental impact on businesses, including small businesses, as a result of the proposed amendments.

Nevertheless, the Energy Commission invites interested persons to submit alternative proposals to lessen any adverse economic impact on business that might exist, which may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements, or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

Impacts on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California

The proposed amendments will have no impact on the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses in California because they only: (1) make clear for manufacturers federally mandated requirements, (2) make voluntary or exclude some appliances from existing data submittal requirements in section 1606 of title 20 which will reduce the reporting costs, and (3) reinstate as mandatory the data submittal requirements as originally adopted by the Energy Commission in 2004.⁶

Cost Impacts on Representative Person or Business

Businesses and individuals that purchase appliances subject to efficiency standards sometimes have to pay increased purchase costs for those appliances. However, those costs are always more than made up by reductions in natural gas and electricity bills. In this rulemaking, however, none of the proposed amendments will result in increased purchase costs because they either make clear for manufacturers federally mandated requirements or make voluntary or exclude some appliances from existing data submittal requirements in section 1606 of title 20 which will reduce the reporting costs.

⁶ See footnote #5 for more detail concerning the federal Court action on these existing regulations.

Therefore, the Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, except the costs of Business Reports discussed in the next paragraph.

Business Reports

The proposed amendments would require manufacturers of appliances to submit data about the appliances they manufacture. The amendments that make mandatory the existing voluntary data submittal requirements in Section 1606 will have minor additional costs to the manufacturer. These additional costs to manufacturers or the proposed mandatory data submittal requirements do not need to be addressed by this rulemaking because those costs were addressed during the rulemaking process when they were originally adopted by the Energy Commission in 2004. As discussed above, the 2004 mandatory data submittal regulations were amended to be voluntary requirements only as a result of a federal Court injunction, but are now being reinstated as mandatory requirements through this rulemaking because the federal Court injunction has been vacated.⁷

Other proposed changes in section 1606 such as changing the mandatory data submittal to voluntary only, and excluding specified boilers and water heaters from required data submittal will save money for those manufactures that choose not to submit such data to the Energy Commission.

Small Business

Like all businesses, small businesses benefit from appliance regulations. Small businesses that purchase appliances subject to efficiency standards sometimes have to pay increased purchase costs for those appliances. However, those costs are always more than made up by reductions in natural gas and electricity bills. In this rulemaking, however, none of the proposed amendments will result in increased purchase costs because they only: 1) make clear for manufacturers federally mandated requirements, (2) make voluntary or exclude some appliances from existing data submittal requirements in section 1606 of title 20 which will reduce the reporting costs, and (3) reinstate as mandatory the data submittal requirements as originally adopted by the Energy Commission in 2004. Therefore, there will be no adverse effects on small business.

ALTERNATIVES

Before it adopts the proposed amendments, the Energy Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the amend-

⁷ See footnote #5 for more detail concerning the federal Court action on these existing regulations.

ments are proposed or would be as effective as and less burdensome to affected private persons than the proposed amendments. To date, the Energy Commission has found no alternatives to the proposed action that would be more effective, or as effective and less burdensome. Furthermore, the Energy Commission does not have flexibility to propose alternatives because the regulations are a direct result of the requirements in the federal Court Order.

DESIGNATED CONTACT PERSONS

Please contact the following person, preferably by e-mail, for general information about the proceeding or to obtain any document relevant to the proceeding, including the Express Terms, the Initial Statement of Reasons, the Form 399, the federal Court Order, and any other document in the rulemaking file:

Linda Franklin
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-4064 Fax: 916-654-4304
E-mail: LFrankli@energy.state.ca.us

Please contact the following person, preferably by e-mail, for substantive questions:

Betty Chrisman
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-4080
Fax: 916-654-4304
E-mail: bchrisma@energy.state.ca.us

The backup contact person for substantive questions is:

Jim Holland
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-4091
Fax: 916-654-4304
E-mail: JHolland@energy.state.ca.us

Ms. Chrisman or Mr. Holland also can assist in obtaining documents and in answering general questions.

PUBLIC ADVISER

The Energy Commission's Public Advisor, Margret J. Kim, provides public assistance in participating in Energy Commission activities. If you would like information on how to participate in this proceeding,

please contact the Public Advisor's Office by phone at (916) 654-4489 or toll free at (800) 822-6228, by FAX at (916) 654-4493, or by email at pao@energy.state.ca.us.

News media inquiries should be directed to Claudia Chandler, Assistant Executive Director, at (916) 654-4989.

AVAILABILITY OF THE TEXT OF THE PROPOSED AMENDMENTS (EXPRESS TERMS), THE INITIAL STATEMENT OF REASONS, AND THE INFORMATION UPON WHICH THE PROPOSAL IS BASED (RULEMAKING FILE)

The first action to take to obtain documents in this rulemaking proceeding is to visit the Energy Commission's appliance website, <http://www.energy.ca.gov/appliances/index.html>. The website will have all of the documents prepared by the Energy Commission, including the Express Terms of the proposed amendments (written in plain English and set forth in a format that indicates both the existing text and the proposed text), the Initial Statement of Reasons, and all documents relied upon by the Commission, as well as most of the other documents in the rulemaking file.

The Express Terms and the Initial Statement of Reasons are also available at no cost from the contact person, Linda Franklin (see above).

The Energy Commission's Docket Office has available all of the documents in the rulemaking file; for copies, please contact:

Docket Office
California Energy Commission
1516 Ninth Street, MS 4
Sacramento, California 95814-5504
916-654-5076

AVAILABILITY OF MODIFIED AMENDMENTS (15-DAY LANGUAGE)

At the January 17, 2007 full Commission hearing, the Energy Commission may adopt the proposed amendments substantially as described in this notice. If modifications are made, and they are sufficiently related to the originally-proposed amendments, the full modified text with changes clearly indicated will be made available to the public at least 15 days before the Energy Commission adopts the modified amendments. A notice of the availability of any such text will be placed on the Energy Commission's website and will be mailed to all persons to whom this notice is being mailed, who submitted written or oral comments at any hearing, who submitted written comments during the public comment period, or who requested to receive such modifi-

cations. In addition, copies may be requested from the contact person named above and from the Docket Office.

The Energy Commission will accept written comments on any such modified text for at least 15 days after the text is made available to the public. Adoption of the 15-Day language will be considered at a public hearing scheduled in the notice of availability.

FINAL STATEMENT OF REASONS

The Energy Commission will prepare a Final Statement of Reasons on the amendments, responding to all relevant comments made during the proceeding. The Final Statement of Reasons will be available from the contact person named above and from the Docket Office, and will be posted on the Energy Commission's website.

INTERNET ACCESS

Documents prepared by the Energy Commission for this rulemaking, including this NOPA, the Express Terms, and the ISOR, and most other documents in the rulemaking file, will be posted on the Energy Commission's website, <http://www.energy.ca.gov/appliances/index.html>.

TITLE 22. EMPLOYMENT TRAINING PANEL

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Employment Training Panel (Panel) proposes to amend Section 4400(ee) and repeal Sections 4407, 4425 and 4441.5 in Title 22 of the California Code of Regulations. The proposed amendment would revise the definition of "frontline worker" to conform to state and federal labor law. The three proposed repeals would remove unnecessary or outdated procedures. The Initial Statement of Reasons and Express Text of the proposed action is accessible through the *Pending Regulatory Actions* link on the Home Page of the ETP website (www.etp.ca.gov).

AUTHORITY AND REFERENCE

The Panel's rulemaking authority is set forth at Section 10205(m) of the Unemployment Insurance (UI) Code. The proposed repeals would affect the Panel's implementation of UI Code Sections 10200(a), 10204(b), 10205, and 10209(b).

INFORMATIVE DIGEST

Amend Section 4400(ee) — Frontline Worker: UI Code Section 10200(a) defines "frontline worker" as one who directly produces or delivers goods or services. At Subsections 4400(ee)(1) and (3), the existing regulation establishes two ways to determine when a worker is "frontline" by referencing state and federal labor law overtime compensation exemption standards. The standards in subsections (1) and (3) will be amended to conform to state and federal labor law. Subsection (3) will also be modified to clarify the Panel's authority to make a case-by-case determination of frontline worker status per applicable labor law and guidelines. The phrase "directly producing goods or delivering services" will be removed from subsections (1), (2) and (3) to avoid repeating the statute's language. Minor revisions will be made to clarify subsection (4)'s description of entrepreneurial training.

Repeal Section 4407 — Small Business Projects (Delegation to WIBs): UI Code Sections 10204(b) and 10205(f) permit the Panel to enter special contracts with Workforce Investment Boards (WIBs). The existing regulation attempts to make these provisions more specific, but omits or misconstrues essential components of the statutory scheme. For example, Section 4407 confers authority on WIBs to approve "projects" which implies authority to disburse from the Employment Training Fund for various type of training. In fact, UI Code Section 10204(b) only delegates authority to approve "contracts" for new hire training — in other words, subcontracts for a particular type of training. Furthermore, Section 4407 is unnecessary because the Panel may contract with WIBs under a Multiple Employer Contract (MEC), which affords greater flexibility to both parties.

Repeal Section 4425 — Structured On-Site Training: UI Code Section 10209(b) details on-the-job training requirements. The existing regulation sets parameters for Structured On-Site Training (SOST), especially as to the production of goods or delivery of services during training. However, an ETP-authorized report from the California State University in Northridge identified many shortcomings in the SOST program. As a result, the Panel imposed a moratorium on SOST funding in August 2002, which remains to this day. Since SOST is no longer being funded, nor is it likely to be funded in the foreseeable future, Section 4425 is no longer necessary. If the Panel decides to revive the SOST program, it would establish new regulatory guidelines that address the identified shortcomings.

Repeal Section 4441.5 — Training Schedule: UI Code Section 10205(c) permits the Panel to solicit proposals from and contract with employers to fund employment training projects. The existing regulation re-

quires a “detailed roll out schedule” for the first six months that must be available at the start of training, and updated throughout the project, subject to ETP monitoring. Staff’s experience is that a six-month schedule is not always practical at the start of training due to so many uncertainties and unknowns at that stage. In short, Section 4441.5 is confusing because it conflicts with actual practice; and is unnecessary, because staff guides contractors on creating and maintaining a realistic training schedule as changing needs demand. As such, this regulation is no longer necessary.

FISCAL DISCLOSURES

The Panel has made the following initial determinations regarding fiscal disclosures required by Section 11346.2 of the Government Code.

A. Fiscal Impact. The Panel has made an initial determination that the proposed actions do not impose costs or savings requiring reimbursement under Section 17500 *et seq.* of the Government Code. Furthermore, these actions do not impose non-discretionary costs or savings to any local agency; nor do they impact federal funding for the State.

The Panel has made an initial determination that the proposed actions do not impose costs or savings to any State agency pursuant to Section 11346.1(b) or 11346.5(a)(6) of the Government Code. Furthermore, there are no fiscal impact disclosures required by State Administrative Manual sections 6600–6670.

B. Cost Impacts. The Panel is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The same determination applies to housing costs. These actions simply clarify the Panel’s definition of Job Creation and thus, there would be no costs associated with these actions.

C. Adverse Impact on Business. The Panel has made an initial determination that the proposed actions do not have any significant, statewide adverse economic impact directly affecting business, including the ability to compete.

D. Effect on Small Business. The Panel has determined that the proposed actions will not affect small businesses unless they seek training funds. Since this action would clarify and simplify the Panel’s standards for reviewing and funding training proposals, this would be a positive effect.

E. Effect on Jobs and Business Expansion. The Panel has made an initial determination that the proposed actions would not create or eliminate jobs in California. Nor would they create new businesses or eliminate existing businesses in California. The Panel has made an

initial determination that these actions would not directly affect the expansion of businesses currently operating in California.

F. Imposed Mandate. The Panel has made an initial determination that the proposed actions do not impose a mandate on local agencies or school districts.

REASONABLE ALTERNATIVES

The Panel has made an initial determination that there are no reasonable alternatives to the proposed actions that would be more effective in carrying out their purpose, or that would be as effective and less burdensome to affected private parties. Interested persons are welcome to identify reasonable alternatives during the written comment period.

WRITTEN COMMENT PERIOD

A 45-day written comment period has been established beginning on December 1, 2006 and ending at 5:00 p.m. on January 15, 2007. Any interested person, or his or her authorized representative, may present written comments on the proposed actions within that time period. Comments should be sent to:

Maureen Reilly
Employment Training Panel, Legal Unit
1100 “J” Street, Fourth Floor
Sacramento, CA 95814
Telephone: (916) 327–5252
E-mail: mreilly@etp.ca.gov
FAX: (916) 327–5268

PUBLIC HEARING

A public hearing will not be held unless one is requested by an interested person, or his or her authorized representative. The request must be submitted in writing to the address shown above no later than 5:00 p.m. on the fifteenth day before the written comment period ends. The request should identify the specific regulatory action for which the hearing is requested.

MODIFICATIONS

Modifications to the text of the proposed regulatory actions may be made after the public comment period. If so, they will be posted on the ETP Website at www.etp.ca.gov. They will also be available upon request to the address shown above. Said modifications will be open to public comment for at least 15 days before their adoption, as noticed on the ETP Website.

AVAILABILITY OF DOCUMENTS

The Panel has prepared an Initial Statement of Reasons for the proposed actions, and has compiled all information on which the actions were based. This statement, along with the express text of the proposed actions and the written information on which they were based, are available for inspection at the address shown above.

The Panel will prepare a Final Statement of Reasons at the conclusion of the public comment period. This final statement and the information on which it is based will also be available for inspection at the address shown above. This Notice of Proposed Rulemaking is posted on the ETP Website at www.etp.ca.gov. The Initial Statement of Reasons and the express text of the proposed actions are also posted on the ETP Website.

CONTACT PERSONS

Requests for copies of the express text of the proposed actions and the modified text (if any), and the Initial Statement of Reasons, should be directed to the address shown above. In addition, the “rulemaking file” of written information on which the proposed actions are based is available for inspection upon request.

GENERAL PUBLIC INTEREST

**TITLE 2. DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor’s signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that it’s Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621
C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677
Choi Engineering Corp.
286 Greenhouse Marketplace, Suite 329
San Leandro, CA 94579
Fries Landscaping
25421 Clough
Escalon, CA 95320
Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828
MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453
Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105
San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA
Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670
Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912
Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828
Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037
Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —
Public Interest Notice
For Publication January 18, 2005
**PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES**
Monitoring and research of Santa Cruz
long-toed salamander.

The Department of Fish and Game (“Department”) received a proposal in June 2006, from Dr. Gage H.

Dayton, of Moss Landing Marine Laboratories, requesting authorization to take Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*), a Fully Protected amphibian, for research purposes, consistent with the protection and recovery of the species.

The applicant is required to have a Scientific Collecting Permit (SCP) to take a protected species of amphibian. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species.

With cooperation from the U.S. Fish and Wildlife Service, Dr. Dayton is planning to survey for amphibians in Santa Cruz and Monterey counties. If *Ambystoma macrodactylum croceum* is encountered at any new sites Dr. Dayton would like to take non-invasive tissue samples (tail or toe clips) as well as one larval voucher specimen from each new locality. This will include collecting non-invasive and non-lethal tissue samples from larval, juvenile, and adult long-toed salamanders. Tissue sampling techniques that Dr. Dayton is proposing are commonplace in the field of population genetics, and no adverse effects on individuals or populations have ever been documented. Tissue samples will be sent to Dr. Bradley Shaffer at the University of California Davis to be used in his on going population genetic studies of *Ambystoma macrodactylum croceum*. Microsatellite genetic markers that Dr. Shaffer and his colleagues have developed for this species will be used to genotype individuals across all populations.

Given that there has been severe habitat degradation and many breeding populations are spatially fragmented, effective management efforts and species recovery requires a thorough understanding of the distribution of this species. Genotypic data are essential to the recovery plan of this species because it will identify if there are any isolated subpopulations (lacking genetic exchange among sites), but also if/where dispersal and gene flow readily occur(s). In the overall management and recovery of SCLTS, genetic data will facilitate our understanding of the habitat requirements and habits of the species, and potential areas where subpopulations may be in need of greater attention for protection and recovery, such as if genetic information suggests reduced genetic variation at most genetic loci. Voucher specimens collected in previously unknown populations, and housed in natural history collections, provide important verification that this species occurs, or once occurred, in a particular site.

The SCLTS recovery plan and effective habitat conservation planning measures depend on determining where populations exist and whether populations are subdivided from each other, as well as estimating rates of interpond migration. At the very least, new localities and microsatellite data will help to better evaluate the spatial structure of this species as well as genetic varia-

tion among breeding populations, and this will contribute to an overall assessment of SCLTS population status and spatial heterogeneity.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant, as the Principal Investigator, to carry out the proposed activities. As these amphibians are also a federally endangered species, applicants are required to possess a valid Federal Threatened and Endangered Species permit. The applicant has obtained Federal permit number 115370.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Amphibian after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected amphibian, it would issue the authorization on or after January 1, 2007, for a term of three years. Contact: Wildlife Programs Branch, 1416 Ninth Street, Sacramento, CA 95814, Attn.: Betsy Bolster.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 CESA No. 2080-2006-025-02

PROJECT: Interstate 5—Cosumnes River
Boulevard Interchange Project
LOCATION: City of Sacramento, Sacramento
County
NOTIFIER: HDR Engineering Inc. on behalf of the
City of Sacramento

BACKGROUND

The City of Sacramento, in cooperation with the California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) proposes to extend Cosumnes River Boulevard west to Freeport Boulevard, with an interchange at Interstate 5 (I-5). The proposed project involves the construction of a four to six lane roadway between Franklin and Freeport Boulevards, a Union Pacific Railroad bridge crossing, a Morrison Creek bridge crossing, and a modified cloverleaf interchange at I-5. The primary purpose of the proposed project is to provide an east-west connector between I-5 and State Route 99 (SR 99), which would improve mobility and alleviate future congestion within the southern limits of south Sacramento. A secondary purpose is to provide access to the developable land on both sides of I-5 in accordance with the City's

General Plan. Currently, this land is in agricultural production. The project will permanently affect 0.002 acres of aquatic habitat and 0.077 acres of upland habitat for the Giant garter snake (*Thamnophis gigas*) (GGS), and will temporarily effect 0.136 acres of aquatic habitat and 3.108 acres of upland habitat for the GGS.

Because of the project's potential for take of GGS, the Federal Highway Administration consulted with the U.S. Fish and Wildlife Service (Service), as required by the Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.). On March 11, 2005 the Service issued Biological Opinion No. 1-1-04-F-0363 (BO) for the Interstate 5-Cosumnes River Boulevard Interchange Project. The BO describes the project actions and sets forth measures to mitigate impacts to GGS and its habitat. The GGS is also listed under the California Endangered Species Act, Fish and Game Code Sections 2050 et seq. (CESA). On October 3, 2006, the Director of the Department of Fish and Game (DFG) received a notice from the City of Sacramento pursuant to Fish and Game Code Section 2080.1, requesting a determination that the March 11, 2005 BO (reference number 1-1-04-F-0363) is consistent with CESA.

DETERMINATION

DFG has determined that Biological Opinion No. 1-1-04-F-0363 is consistent with CESA because the mitigation measures in the BO meet the conditions set forth in Fish and Game Code section 2081, subparagraphs (b) and (c), for authorizing the incidental take of CESA-listed species. Specifically, DFG finds that the take of GGS will be incidental to an otherwise lawful activity, the measures identified in the biological opinion will minimize and fully mitigate the impacts of the authorized take of GGS, and the project will not jeopardize the continued existence of the species. The mitigation measures in the BO include, but are not limited to, the following:

General Measures

1. The City of Sacramento will develop and implement an environmental education program that focuses on the importance of biological resources and special status species, including GGS. The training will include information on the special status species and their habitats, the terms and conditions of the BO, and possible penalties for not complying with the requirements.
2. Prior to the commencement of construction, a qualified biologist will identify sensitive biological habitats onsite, including potential habitat for the GGS. These Environmentally Sensitive Areas (ESAs) will be marked using high-visibility construction barrier fencing and

avoided during construction. Fencing will be furnished, constructed, inspected weekly, maintained, and removed only when the construction of the project is complete.

3. Fencing will be established at least 200 feet from the edge of the aquatic component of GGS habitat.
4. Signs will be posted every 50 feet along the edge of the ESAs, with the following information: "This area is habitat of Federally-threatened and/or endangered species, and must not be disturbed. These Species are protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs will be clearly readable from a distance of 20 feet, and will be maintained for the duration of construction.
5. After construction activities are complete, any temporary fill or construction debris will be removed and disturbed areas will be restored to their pre-project condition.
6. A Service-approved biologist will inspect construction-related activities at the proposed project site to ensure that no unauthorized take of federally-listed species or destruction of their habitat occurs.
7. Any unauthorized deviation from these proposed conservation measures will be reported within one (1) working day of its discovery to the Division Chief of Endangered Species at the Sacramento Fish and Wildlife Service Office.

Written notification will be made within three (3) calendar days and include the date, time, and precise location of the event on a 7.5-minute quadrangle, and any other pertinent information. In addition, color photographs documenting the incident will be included in the written notification.

Measures Specifically for the Giant Garter Snake

1. The City of Sacramento will compensate for all temporarily and permanently affected GGS habitat by purchasing off-site habitat credits from a Service-approved GGS habitat conservation area servicing the project area. All temporary effects which occur over two seasons (defined as the period between May 1 and October 1) will be restored and compensated at a 1:1 mitigation-to-impact ratio, and all permanent effects will be compensated at a 3:1 ratio. Prior to the initiation of construction activities the City of Sacramento will purchase the equivalent of 3.481 acres of GGS habitat credits from a Service-approved conservation area to compensate for the 3.244 acres of temporarily affected GGS habitat and 0.079 acres of

permanently affected habitat. Furthermore, the City of Sacramento will restore all temporary affected GGS habitat, including 0.136 acres of aquatic habitat and 3.108 acres of upland habitat.

2. The City of Sacramento will conduct construction activities within GGS habitat (e.g. aquatic, upland, and rice habitat) between May 1 and October 1. If it appears that construction activity may go beyond October 1, the City of Sacramento will contact the Service as soon as possible and no later than September 15 to determine if additional measures are necessary to minimize take. Construction activities within 200 feet from the bank of snake aquatic habitat will be avoided during the snake's inactive season.
3. Aquatic habitat will be dewatered 15 days prior to the initiation of construction activities.
4. No more than 24 hours before the start of construction activities, or whenever a lapse in construction activity of two weeks or greater occurs, the qualified biologist will survey the project site for GGS.
5. If excavation within the Morrison Creek channel is necessary, excavation for removal of accumulated sediments will be done using equipment located on, and operated from the top of, the bank.
6. The City of Sacramento will maintain and monitor the project site for one year following the completion of construction and restoration activities. Monitoring reports documenting the restoration effort should be submitted to the Service upon the completion of the restoration implementation and one year after the restoration implementation. Monitoring reports will include photo-documentation when restoration was completed, what materials were used, a listing of specific plantings, and justification of any substitution to the Service-recommended guidelines.

Pursuant to Fish and Game Code section 2080.1, with this determination, incidental take authorization under CESA will not be required for incidental take of GGS that occurs in carrying out the project, provided that the City of Sacramento implements the project as described in the BO and complies with the mitigation measures and other conditions described in the BO. If there are any substantive changes to the project, including changes to the mitigation measures, or if the Service amends or replaces the BO, the City of Sacramento will be required to obtain a new consistency determination or a CESA incidental take permit from DFG.

DEPARTMENT OF HEALTH SERVICES

TITLE: PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT (STATE PLAN) FOR FEDERAL FISCAL YEAR (FFY) 2007

ACTION: NOTICE OF HEARINGS FOR PROPOSED FUNDINGS

SUBJECT

The Centers for Disease Control and Prevention has made funds available to the California Department of Health Services (CDHS) for the development and implementation of programs and activities to decrease the morbidity and mortality that results from preventable disease and injury. The purpose of this hearing is to discuss and receive comments on the State's recommendations for the use of these funds during State Fiscal Year 2006-2007 (FFY 2007).

PUBLIC HEARING PROCESS

Notice is hereby given that CDHS will hold a public hearing commencing at 9:00 a.m. on Monday, January 15, 2007 in Room 74.369 at 1616 Capitol Avenue, Sacramento, California, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. The Chronic Disease Control Branch, DHS, 1616 Capitol Avenue, MS 7209, P.O. Box 997413, Sacramento, Ca 95899 must receive any written statements or arguments by 5:00 p.m. January 15, 2007, which is hereby designated as the close of the written comment period. It is requested, but not required, that written statements or arguments be submitted in triplicate.

CONTACT

Inquiries concerning the action described in this notice may be directed to Ms. Marcia Levy Rosenstein, Chief, Prevention 2010 Section, Chronic Disease Control Branch, DHS, at (916) 552-9960. In any such inquiries, please identify the action by using the Department Control letters "PHHSBG."

AVAILABILITY OF INFORMATION FOR REVIEW

The State Plan will be available for review at 1616 Capitol Avenue, Sacramento, California, from 8:00 a.m. to 5:00 p.m., December 1, 2006 through January 15, 2007.

OFFICE OF ADMINISTRATIVE LAW

SUMMARY OF REGULATORY
ACTIONS

REQUEST FOR PUBLIC INPUT
ANNUAL RULEMAKING CALENDAR
GOVERNMENT CODE 11017.6

Each year all state government agencies with rule-making authority are required to prepare a rulemaking calendar pursuant to section 11017.6 of the Government Code. The rulemaking calendar lists anticipated rulemaking activity by the agency for the coming year. The rulemaking calendar is non-binding. Section 11017.6 specifically allows agencies to adopt rules that were not listed in the rulemaking calendar if it is required by unanticipated circumstances.

The requirement to prepare a rulemaking calendar was established in 1982 and has not been amended since 1987. In 2000 the Legislature adopted section 11340.85 of the Government Code, which requires state agencies to post all their rulemaking activity on their web sites. The information that must be posted on the web pursuant to section 11340.85 is much more extensive than that included in the annual rulemaking calendar pursuant to section 11017.6. Use of the internet as a primary information source has, obviously, increased greatly since 1982.

The Office of Administrative Law is attempting to evaluate the public's current level of reliance upon the annual rulemaking calendar as a source of information about state agency rulemaking. If you have found that the annual rulemaking calendar continues to be a valuable source of information to you, please let us know through one of the following methods:

1. Send an e-mail message to staff@oal.ca.gov;
2. Send a note via fax to (916) 323-6826;
3. Leave a telephone voice message at (916) 323-6815; or
4. Send a letter to:

Office of Administrative Law
Rulemaking Calendar Survey
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Any information that you could provide on this subject would be greatly appreciated.

REGULATIONS FILED WITH
SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF ACCOUNTANCY

Practice Privilege Notification

This regulatory action revises a form that is printed in the CCR. The revisions include some formatting and re-numbering changes, two clarification changes which are not material alterations, eliminating some duplication, and requesting additional information required by newly enacted Business & Professions Code section 5096.13 and 5096.15.

Title 16

California Code of Regulations

AMEND: 28

Filed 11/16/06

Agency Contact: Aronna Wong (916) 561-1788

BOARD OF FORESTRY AND FIRE PROTECTION

Watercourse Streamlining, 2006

This regulatory action amends the Forest Practice Rules to (1) allow sample marking of watercourse boundaries and harvest trees prior to preharvest inspection for Nonindustrial Timber Management Plans (NTMP) and (2) allow harvesting of dead or dying trees in Watersheds with Threatened or Impaired Values (T/I) watercourses under emergency notices with specific circumstances to protect large woody debris recruitment.

Title 14

California Code of Regulations

AMEND: 916.5(e), 936.5(e), 956.5(e), 916.9, 936.9, 956.9

Filed 11/16/06

Effective 01/01/07

Agency Contact:

Christopher Zimny

(916) 653-9418

BOARD OF FORESTRY AND FIRE PROTECTION
Aspen Restoration, 2006

Board of Forestry and Fire Protection submitted this action to promote restoration of aspen (*Populus fremu-
loides*) trees by amending 14 CCR secs. 939.15 and
959.15(b), adding aspen stands to other areas (meadows
and wet areas) that are exempt from restocking stan-
dards under Title 14, Division 1.5 Forest Practice Rules
for timber harvesting. The proposed action defines the
term “aspen stands” to specify where the exemption ap-
plies, establishes a performance standard to ensure ap-
propriate application of the exemption to proposed har-
vest plans, and adds requirements for harvesting pro-
posal descriptions and pre-harvest governmental re-
view of harvesting proposals to ensure appropriate ap-
plication within all exempt areas under the amended
sections.

Title 14
California Code of Regulations
AMEND: 939.15, 959.15
Filed 11/22/06
Effective 12/22/06
Agency Contact:
Christopher Zimny (916) 653-9418

BOARD OF OCCUPATIONAL THERAPY
Renewal

This regulatory action (1) increases the term of an oc-
cupational therapist license and an occupational thera-
pist assistant certificate from one year to two years, (2)
requires licensees and certificate holders to document
compliance with continuing competency requirements,
(3) provides that partial credit will not be given for cer-
tain professional development activities, and (4) elimi-
nates the 30 day grace period for charging a delinquent
fee to licensees and certificate holders who renew their
license or certificate after its expiration.

Title 16
California Code of Regulations
AMEND: 4120, 4121, 4161, 4162
Filed 11/15/06
Effective 11/15/06
Agency Contact: April Freeman (916) 322-3278

BOARD OF PSYCHOLOGY

Continuing Education — Independent Learning

Section 2915 of the Business and Professions Code
provides that the Board of Psychology shall issue re-
newal licenses only to those applicants who have com-
pleted 36 hours of approved continuing education in the
preceding two years. Existing regulation provides that,
except for qualified individuals with a disability, no

more than 18 hours of this continuing education may be
by “distance” learning. This regulatory action changes
the term “distance” to “independent” and raises the
number of permissible hours to 27.

Title 16
California Code of Regulations
AMEND: 1397.60, 1397.61, 1397.62
Filed 11/16/06
Effective 12/16/06
Agency Contact: Kathy Bradbury (916) 263-0712

CALIFORNIA HORSE RACING BOARD
Calling off Race

This rulemaking action provides that wagers in a race
and claims in a claiming race are void if the race is
called off, canceled, or declared no contest.

Title 4
California Code of Regulations
AMEND: 1544 & 1658
Filed 11/22/06
Effective 12/22/06
Agency Contact: Harold Coburn (916) 263-6397

DENTAL BOARD OF CALIFORNIA

Application for Licensure by WREB candidates

This is the second readopt of emergency regulations
(OAL file no. 06-0301-02 E and 06-0711-04 EE) that
established new provisions for licensure for the practice
of dentistry in California. It is to interpret and make spe-
cific statutes within SB 1865, which became law in Sep-
tember 2004 as an urgency statute. Previously, the only
way that a dental licensure candidate could qualify to
practice dentistry in California was to pass a clinical ex-
amination developed and administered by the Board.
The major component of this new law is that, effective
January 1, 2005, dental licensure candidates can also
qualify to practice dentistry in California if they pass the
Western Regional Examining Board (WREB) exam.

Title 16
California Code of Regulations
ADOPT: 1034.1 AMEND: 1021, 1028, 1034
Filed 11/15/06
Effective 11/15/06
Agency Contact: Donna Kantner (916) 263-2300

**DEPARTMENT OF ALCOHOL AND DRUG
PROGRAMS**

Changes to Conflict of Interest Code

This is a Conflict of Interest Code amendment that
has been approved by the Fair Political Practices Com-
mission and is being submitted to OAL for filing with
the Secretary of State and printing only.

Title 9
California Code of Regulations
AMEND: 9100
Filed 11/21/06
Effective 12/21/06
Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF FOOD AND AGRICULTURE
Diaprepes Root Weevil Interior Quarantine

This emergency regulatory action will add approximately one square mile in the Oceanside area of San Diego County to areas already under quarantine in the county, and will add approximately four square miles in the Huntington Beach area of Orange County to areas already under quarantine in the county for the Diaprepes root weevil (*Diaprepes abbreviatus*).

Title 3
California Code of Regulations
AMEND: 3433(b)
Filed 11/16/06
Effective 11/16/06
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF INSURANCE
CEA Fund Transfer from base Limits Program to Optional Limits Program

Allows the California Earthquake Authority (CEA) to borrow funds from its base-limits fund to finance its reinsurance of risks associated with optional higher coverage limits for personal property, loss of use, and building code upgrade. Loans would have to be paid back by the end of 2008.

Title 10
California Code of Regulations
AMEND: 2697.6, 2697.61
Filed 11/15/06
Effective 11/15/06
Agency Contact:
Lisbeth Landsman-Smith (916) 492-3561

DEPARTMENT OF TRANSPORTATION
Outdoor Advertising

This rulemaking action sets a \$100 annual permit fee for each outdoor advertising display. The fee would increase in the 2007-2008 and in the 2012-2013 fiscal year by an amount equal to the increase in the California Consumer Price Index. The fee would be due thirty days after the effective date of the regulation except that permit holders who paid for a five year term in 2003 would not be subject to this fee until December 31, 2008.

Title 4
California Code of Regulations
ADOPT: 2422.1
Filed 11/16/06
Effective 12/16/06
Agency Contact: James Arbis (916) 654-6413

MEDICAL BOARD OF CALIFORNIA
Revenue Neutral Fee Changes to Offset Loss

In this rulemaking MBOC is increasing the fees to ensure that the income lost by the inability to seek cost recovery is recouped via license and renewal fees. The goal of this rulemaking is to remain revenue neutral. The cost to each licensee is approximately \$15 paid every other year.

Title 16
California Code of Regulations
AMEND: 1351.5, 1352
Filed 11/16/06
Effective 12/16/06
Agency Contact:
Kevin A. Schunke (916) 263-2368

OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
ED and National Standard Updates, No Data to Report Form, ASC Fee

This rulemaking updates forms and regulations in Title 22 to match the National Uniform Building Committee's changes to the Form 837 Health Care Claim. It also updates the fee assessment for licensed surgical clinics, implements a new form, clarifies the use of certain injury codes and removes the requirement to provide a reason to use extension days for reporting through MIRCAl, the online reporting system.

Title 22
California Code of Regulations
ADOPT: 97266 AMEND: 90417, 97210, 97227, 97240, 97241, 97244, 97246, 97250, 97260, 97261, 97264
Filed 11/21/06
Effective 11/21/06
Agency Contact:
Candace L. Diamond (916) 324-2712

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD
Speech-Language Pathology Assistants

Speech-Language Pathology and Audiology Board (SLPAB) proposed revisions to Title 16, Division 13.4 of the California Code of Regulations to eliminate the possibility of a speech-language pathologist assistant from retaining their registration if they become licensed as a speech-language pathologist. SLPAB's proposal

includes adoption of 16 CCR 1399.170.20.1, which would require the automatic cancellation of a speech–language pathologist assistant registration upon issuance of a speech–language pathologist license to the same individual; require SLPAB to issue a notice to that individual that their registration has been canceled; and provide that a speech–language pathologist’s continued practice as a speech–language pathology assistant after receiving SLPBA’s notice of cancellation constitutes unprofessional conduct.

Title 16
California Code of Regulations
ADOPT: 1399.170.20.1 AMEND: 1399.151.1
Filed 11/16/06
Effective 12/16/06
Agency Contact: Kathi Burns (916) 263–2666

STATE WATER RESOURCES CONTROL BOARD
Amendment to the Central Coast Basin Plan

This new regulation in Title 23 establishes a Total Maximum Daily Load for pathogens, targeting those pathogens derived from animal waste, prohibits live-stock waste discharge and removes the shellfish harvesting beneficial use designation. The Central Coast Regional Water Quality Control Board determined that animal waste generally is a substantial degrading factor to the water in the Watsonville Slough watershed. Through ongoing monitoring over the implementation period, the Regional Board will better pinpoint which animals are contributing the most and better analyze whether the TMDL level proposed is achievable. The Regional Board will review the monitoring results triennially.

Title 23
California Code of Regulations
ADOPT: 3929.1
Filed 11/20/06
Effective 11/20/06
Agency Contact:
Michael Buckman (916) 341–5479

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN JUNE 21, 2006 TO
NOVEMBER 22, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of

the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

11/06/06 AMEND: 18216, 18421.1
11/03/06 AMEND: 1859.73.2
10/31/06 AMEND: 559.500, 559.501, 559.503, 559.504, 559.505, 559.507, 559.508, 559.509, 559.510, 559.511, 559.512, 559.513, 559.515, 559.516, 559.517
10/12/06 AMEND: 714
09/27/06 AMEND: 18754
09/07/06 AMEND: 21904, 21905
09/05/06 AMEND: 1859.2, 1859.76, 1859.83, 1859.163.1
08/23/06 AMEND: 1181.4
08/21/06 AMEND: 1859.2, 1859.70.1, 1859.71.3, 1859.78.5
08/15/06 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80
08/11/06 AMEND: 1859.2, 1859.40, 1859.51, 1859.70, 1859.93.1, 1859.95, 1859.147, 1859.202, 1866
07/24/06 AMEND: 18944
07/06/06 AMEND: 575.1, 575.2

Title 3

11/16/06 AMEND: 3433(b)
11/13/06 AMEND: 3423(b)
11/08/06 AMEND: 3591.2(a)
10/27/06 ADOPT: 765 AMEND: 760.4, Article 3.5
10/19/06 AMEND: 3591.6(a)
10/12/06 AMEND: 3433(b)
10/12/06 ADOPT: 3424
10/12/06 AMEND: 3433(b)
10/06/06 AMEND: 3700(c)
10/06/06 AMEND: 3591.13(a)
10/05/06 AMEND: 3433(b)
10/05/06 AMEND: 3589
10/02/06 AMEND: 3591.6(a)
09/19/06 AMEND: 3433(b)
09/12/06 AMEND: 3591.12(a)
09/12/06 AMEND: 3406(b)
09/08/06 AMEND: 3423(b)
09/07/06 AMEND: 3433(b)
09/05/06 AMEND: 3406(b)
08/29/06 AMEND: 3433(b)
08/24/06 AMEND: 3433(b)

08/23/06 AMEND: 3591.12(a)
 08/17/06 AMEND: 3591.19(a)
 08/16/06 AMEND: 3433(b)
 08/15/06 AMEND: 3700(c)
 08/15/06 AMEND: 3700(c)
 08/10/06 AMEND: 3591.6(a)
 08/01/06 AMEND: 3591.6(a)
 08/01/06 AMEND: 3424(b)
 07/28/06 AMEND: 3591.2(a)
 07/26/06 AMEND: 3700(c)
 07/21/06 REPEAL: 1366
 07/19/06 ADOPT: 6310 AMEND: 6170
 07/18/06 ADOPT: 6960 AMEND: 6000
 07/17/06 AMEND: 3591.6(a)
 07/05/06 AMEND: 3591.6
 07/03/06 AMEND: 3589(a)
 06/28/06 AMEND: 3433(b)

Title 4

11/22/06 AMEND: 1544 & 1658
 11/16/06 ADOPT: 2422.1
 11/03/06 AMEND: 10152, 10153, 10155, 10159,
 10160, 10161, 10162
 10/24/06 AMEND: 1486
 10/16/06 AMEND: 1733
 09/26/06 AMEND: 1976.8
 07/19/06 AMEND: 12358, 12359
 07/17/06 AMEND: 2240(e)

Title 5

11/13/06 AMEND: 18013, 18054
 11/08/06 AMEND: 850, 851, 852, 853, 854, 855,
 857, 858, 859, 861, 862, 863, 864, 864.5,
 865, 866, 867, 870 REPEAL: 850.5, 880,
 881, 882, 883, 884, 886, 887, 888, 890,
 891, 892, 893, 894, 895, 896, 897, 898,
 899, 901
 10/26/06 AMEND: 30023(c)
 10/23/06 ADOPT: 11991, 11991.1, 11991.2
 10/16/06 ADOPT: 11987, 11987.1, 11987.2,
 11987.3, 11987.4, 11987.5, 11987.6,
 11987.7
 09/29/06 ADOPT: 19833.5, 19833.6 AMEND:
 19815, 19816, 19816.1, 19819, 19824,
 19828.1, 19831
 09/15/06 REPEAL: 18074.1(b), (c), (d), 18074.3,
 18074.4, 18074.5, 18074.6
 08/30/06 ADOPT: 15566, 15567, 15568 REPEAL:
 15569
 08/15/06 AMEND: 1030.7, 1030.8
 07/31/06 ADOPT: 1043.2, 1043.4, 1043.6, 1043.8,
 1043.10, 1047, 1048 AMEND: 1040,
 1041, 1043, 1044 REPEAL: 1042, 1045,
 1046
 07/27/06 ADOPT: 40500.1, 40511, 40512, 41020
 AMEND: 40100

07/25/06 ADOPT: 1207.1, 1207.2 AMEND:
 1204.5
 07/21/06 ADOPT: 15566, 15567, 15568, 15569
 07/14/06 ADOPT: 51016.5, 55183

Title 8

11/14/06 AMEND: 6368
 11/14/06 AMEND: 3482, 5161, 5178
 11/08/06 AMEND: 17000 Appendix
 11/02/06 AMEND: 3650
 10/18/06 AMEND: 9768.5, 9768.10, 9788.11,
 9788.31, 9789.33
 09/29/06 AMEND: 341, 341.1
 09/25/06 AMEND: 4920
 09/21/06 ADOPT: 10001, 10002, 10003
 09/19/06 ADOPT: 1532.2, 5206, 8359 AMEND:
 5155
 07/31/06 AMEND: 5154.1
 07/28/06 AMEND: Subchapter 4, Appendix B,
 Plate B-1-a
 07/27/06 ADOPT: 3395
 07/19/06 ADOPT: 10004, 10005 AMEND:
 10133.53, 10133.55
 07/18/06 AMEND: 3270
 06/30/06 AMEND: 9793, 9795
 06/26/06 ADOPT: 6858 AMEND: 6505, 6533,
 6551, 6552, 6755, 6845, 6657 REPEAL:
 6846

Title 9

11/21/06 AMEND: 9100
 09/25/06 ADOPT: 3400

Title 10

11/15/06 AMEND: 2697.6, 2697.61
 11/09/06 AMEND: 2498.5
 11/09/06 AMEND: 2534.27, 2534.28
 10/24/06 ADOPT: 2303, 2303.1, 2303.2, 2303.3,
 2303.4, 2303.5, 2303.6, 2303.7, 2303.8,
 2303.9, 2303.10, 2303.11, 2303.12,
 2303.13, 2303.14, 2303.15, 2303.16,
 2303.17, 2303.18, 2303.19, 2303.20,
 2303.21, 2303.22, 2303.23, 2303.24,
 2303.25
 10/16/06 ADOPT: 2194.9, 2194.10, 2194.11,
 2194.12, 2194.13, 2194.14, 2194.15,
 2194.16, 2194.17
 10/10/06 AMEND: 2498.4.9
 10/03/06 AMEND: 2498.5
 10/02/06 AMEND: 2248.4, 2249.1, 2249.2,
 2249.6, 2249.7, 2249.8, 2249.9, 2249.10,
 2249.11, 2249.12, 2249.13, 2249.14,
 2249.15, REPEAL: 2248.11, 2248.12,
 2248.19
 09/20/06 AMEND: 2318.6, 2353.1

09/14/06	AMEND: 3528	09/14/06	AMEND: 25.06, 25.07, 25.08, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22
08/29/06	AMEND: 2699.6600	09/11/06	ADOPT: 2467.8, 2467.9 AMEND: 2467, 2467.1, 2467.2, 2467.3, 2467.4, 2467.5. 2467.6, 2467.7, Incorporated Documents REPEAL: 2467.8, Incorporated Test Method 512
08/28/06	ADOPT: 803, 810, 810.1, 810.2, 810.3, 810.4, 810.5, 810.6, 810.7 AMEND: 800, 801, 802, 804, 806, 807	09/07/06	AMEND: 1956.1, 1956.8, 2023.1, 2023.4
08/08/06	ADOPT: 3583 AMEND: 3500, 3525, 3527, 3528, 3541, 3542, 3543, 3544, 3563, 3568, 3603, 3622, 3668, 3681, 3682, 3761 REPEAL: 3541	08/24/06	AMEND: 28.22
08/02/06	ADOPT: 2790.7	07/28/06	AMEND: 154.00
08/01/06	ADOPT: 5370, 5371, 5372, 5373, 5374, 5375, 5376, 5377	06/30/06	ADOPT: 85.00, 85.02, 85.04, 85.06, 85.08
07/28/06	AMEND: 2698.52(c), 2698.53(b), 2698.56(c)	06/29/06	AMEND: 345.16
07/26/06	ADOPT: 5280, 5281, 5282, 5283, 5284, 5285, 5286	Title 14	
07/24/06	ADOPT: 2498.6	11/22/06	AMEND: 939.15, 959.15
07/18/06	AMEND: 2498.5, 2498.6	11/16/06	AMEND: 916.5(e), 936.5(e), 956.5(e), 916.9, 936.9, 956.9
07/14/06	AMEND: 2632.5, 2632.8, 2632.11	11/14/06	AMEND: 5101, 5104
07/12/06	AMEND: 2697.6	11/07/06	AMEND: 11900
07/12/06	ADOPT: 2190.20, 2190.22, 2190.24	11/02/06	AMEND: 183
07/12/06	AMEND: 2498.4.9	10/19/06	AMEND: 632(b)(72)
07/10/06	ADOPT: 2509.21	10/11/06	AMEND: 895, 895.1, 1038, 1038(f)
06/30/06	ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17	10/06/06	AMEND: 670.2
Title 11		09/20/06	AMEND: 895.1, 898, 914.8, [934.8, 954.8], 916, [936, 956], 916.2 [936.2, 956.2], 916.9, [936.9, 956.9], 916.11, [936.11, 956.11], 916.12, [936.12, 956.12], 923.3, [943.3, 963.3], 923.9, [943.9, 963.9]
10/13/06	AMEND: 30.5	09/19/06	AMEND: 502
10/13/06	AMEND: 30.1	09/15/06	AMEND: 851.8, 851.23, 851.51.1, 851.85, 852.3, 851.4, 851.10, 851.10.1
08/16/06	ADOPT: 1084	08/31/06	AMEND: 27.80
07/27/06	AMEND: 1001, 1005, 1008, 1011, 1014, 1015, 1018, 1052, 1053, 1055, 1056, 1081 and Procedures D-1, D-2, D-10 E-1, F-1, and F-6	08/11/06	AMEND: 7.50
07/12/06	AMEND: 999.2	08/11/06	AMEND: 1261
06/28/06	ADOPT: 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4045, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066	08/04/06	ADOPT: 701, 702 AMEND: 1.74, 27.15, 27.67, 478.1, 551, 601, 708
06/28/06	ADOPT: 4400(l), 4400(mm), 4401.1, 4406 AMEND: 4440.3 REPEAL: 4400(l), 4406	07/31/06	ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04
Title 13		07/31/06	ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67,
11/13/06	AMEND: 2445.2(a)		
11/13/06	AMEND: 2111, 2112, 2441, 2442, 2444.2, 2445.1, 2445.2, 2446		
10/30/06	ADOPT: 118.00		
10/27/06	AMEND: 423.00		
10/16/06	AMEND: 1956.8, 2404, 2424, 2425, 2485		
10/05/06	AMEND: Section 1		

	4970.68, 4970.69, 4970.70, 4970.71, 4970.72	10/26/06	AMEND: 345
07/28/06	AMEND: 15411	10/17/06	AMEND: 928
07/28/06	ADOPT: 7.50(b)(178)	10/11/06	AMEND: 3303.2, 3340.15, 3340.18, 3340.32, 3340.42, 3394.5
07/19/06	ADOPT: 18459.1.2, Forms CIWMB 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1, 11	10/03/06	AMEND: 70
07/12/06	AMEND: 507.1	09/28/06	AMEND: 1399.156.4
07/11/06	ADOPT: 1723(g) AMEND: 1722(j), 1722, 1722.1, 1722.1.1, 1723(a), 1723.1(c), 1723.1(d), 1723.5, 1723.7(d)(2)(f), 1723.8	09/26/06	AMEND: 1579
07/11/06	AMEND: 15251	09/12/06	AMEND: 384
06/30/06	AMEND: 360, 361, 362, 363, 364	09/07/06	ADOPT: 1399.391
06/30/06	AMEND: 11900	08/31/06	ADOPT: 1727.1
06/29/06	AMEND: 851.23	08/25/06	AMEND: 1922, 1936, 1948
06/23/06	AMEND: 1220	08/17/06	ADOPT: 601.5, 642.5 AMEND: 600.1, 601.3, 602, 602.1, 603, 605, 606, 607.4, 608.3, 627
Title 14, 22		08/10/06	REPEAL: 829
07/27/06	ADOPT: 69200, 69201, 69202, 69203, 69204, 69205, 69206, 69207, 69208, 69209, 69210, 69211, 69212, 69213, 69214 REPEAL: 19030, 19031, 19032, 19033, 19034, 19035, 19036, 19037, 19038, 19039, 19040, 19041, 19042, 19043, 19044	08/04/06	AMEND: 1886.40
		08/01/06	ADOPT: 1399.180, 1399.181, 1399.182, 1399.183, 1399.184, 1399.185, 1399.186, 1399.187
		07/31/06	AMEND: 3394.4, 3394.6
		07/12/06	ADOPT: 1034.1 AMEND: 1021, 1028, 1034
		07/03/06	AMEND: 1399.152, 1399.156.4
		06/26/06	ADOPT: 1304.5
		Title 17	
		11/07/06	AMEND: 54342, 56076
		11/06/06	AMEND: 1000600, 100601, 100602, 100603, 100604, 100605, 100606, 100607, 100608, 100609, 100610
Title 15		10/26/06	AMEND: 2500, 2505
11/03/06	AMEND: 3375.2, 3377.1	10/17/06	AMEND: 93102.5
11/03/06	AMEND: 3084.1	10/12/06	ADOPT: 6500.1, 6500.5, 6500.19, 6500.25, 6500.28, 6500.31, 6500.35, 6500.39, 6500.45, 6500.46, 6500.57, 6500.59, 6500.65, 6500.67, 6500.69, 6500.70, 6500.74, 6500.77, 6500.80, 6501.2, 6502, 6504.2, 6504.4, 6504.6, 6506.2, 6506.6, 6506.8, 6506.10, 6506.12
10/06/06	ADOPT: 2275	10/10/06	ADOPT: 100010, 100020, 100030, 100040, 100050, 100060, 100070, 100080, 100090, 100095, 100100, 100110
10/03/06	ADOPT: 3352.2 AMEND: 3350.1, 3352.1, 3354, 3358	10/05/06	ADOPT: 100001, 100002, 100003, 100004
08/11/06	ADOPT: 4034.0, 4034.1, 4034.2, 4034.3, 4034.4 REPEAL: 4036.0, 4040.0	10/04/06	AMEND: 57310(b)(3), 57332(c)(3)(A), 57332(9)(A)2.a
07/27/06	AMEND: 3000, 3062, 3075, 3210	09/11/06	ADOPT: 100000
07/12/06	AMEND: 7001 REPEAL: 2005, 3416, 4020	07/28/06	AMEND: 30180, 30235, 30237
06/27/06	AMEND: 3341.5	07/24/06	ADOPT: 100140, 100141, 100142, 100143, 100144, 100145, 100146, 100147, 100148, 100149, 100150
Title 16		07/20/06	AMEND: 30100, 30253
11/16/06	AMEND: 1397.60, 1397.61, 1397.62		
11/16/06	AMEND: 1351.5, 1352		
11/16/06	AMEND: 28		
11/16/06	ADOPT: 1399.170.20.1 AMEND: 1399.151.1		
11/15/06	AMEND: 4120, 4121, 4161, 4162		
11/15/06	ADOPT: 1034.1 AMEND: 1021, 1028, 1034		
11/08/06	AMEND: 4130		
11/02/06	AMEND: 3394.6		
10/31/06	AMEND: 100, 102, 109, 111, 117, 136		

07/05/06	AMEND: 95000, 95001, 95002, 95003, 95004, 95005, 95006, 95007	10/02/06	ADOPT: 1520, 1520.2, 1520.6, 1520.7, 1520.8, 1520.11, 1520.12, 1520.13, 1520.14 AMEND: 1520.1, 1520.3, 1520.5, 1520.9, 1520.10, 1520.15
Title 18		07/07/06	AMEND: 7000
11/13/06	AMEND: 1699, 1802	Title 22	
09/15/06	AMEND: 1620	11/21/06	ADOPT: 97266 AMEND: 90417, 97210, 97227, 97240, 97241, 97244, 97246, 97250, 97260, 97261, 97264
09/08/06	ADOPT: 1125, 1423 AMEND: 1123, 1420	10/24/06	REPEAL: 4428
07/27/06	AMEND: 1591	08/31/06	AMEND: 1256.5-1
07/11/06	REPEAL: 139	08/28/06	ADOPT: 64449.2, 64449.4 AMEND: 64449
06/23/06	ADOPT: 140, 140.1, 140.2, 143	08/24/06	ADOPT: 66262.27, 66263.24, Appendix 11 to Chapter 14 AMEND: 66260.10, 66262.20, 66262.21, 66262.23, 66262.32, 66262.33, 66262.34, 66262.42, 66262.53, 66262.54, 66262.55, 66262.56, 66262.60, Appendix to chapter 12, 66263.18, 66263.20, 66263.21, 66263.32
Title 19		08/09/06	REPEAL: 4402.1, 4403, 4408, 4431
11/14/06	ADOPT: 902.9, 902.19, 906.1, 906.2, 906.3 AMEND: 901, 902, 902.4, 902.11, 902.12, 902.15, 902.18, 904, 904.1, 904.2, 904.7, 905, 905.2, 906 REPEAL: 904.3, 904.4, 904.5, 904.6	08/03/06	AMEND: 12805
07/25/06	AMEND: 3.29, 557.23, 561.2, 567, 568, 574.1, 575.1, 575.3, 575.4, 594.4, 596.6, 606.1 REPEAL: 597.5, 597.6, 597.7, 597.8, 597.10, 597.11, 603.3, 605.1, 606.3, 608.7, 608.8, 614, 614.1, 614.3, 614.5, 614.6, 614.7, 614.8	08/02/06	ADOPT: 64401.71, 64401.72, 64401.73, 64463, 64463.1, 64463.4, 64465, 64466 AMEND: 64426.1, 664432.1, 64451, 64453, 64481, 64482, 64483, 64666 REPEAL: 64463.2, 64464.1, 64464.3, 64464.6, 64465, 64466, 64467, 64467.5, 64468.1, 64468.2, 64468.3, 64468.4
07/05/06	AMEND: 3062.1, 3063.1	07/24/06	ADOPT: 97900, 97901, 97902, 97910, 97911, 97912, 97913, 97914, 97915, 97916, 97917, 97920, 97921, 97922, 97923, 97924, 97925, 97926, 97927
Title 20		07/20/06	ADOPT: 68400.11, 68400.12, 68400.13, 68400.14, 68400.15, 68400.16, Appendix I AMEND: 67450.7
09/13/06	AMEND: 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 2, 2.1, 2.2, 2.3, 2.3.1, 2.4, 2.5, 2.6, 2.7, 3, 3.1, 3.2, 3.3, 3.4, 4, 5, 6, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 7, 7.1, 8, 8.1, 8.2, 9, 10, 10.1, 11, 12, 13, 13.1, 13.2, 14, 14.1, 14.2, 14.3, 14.4, 14.5, 14.6, 14.7, 15, 15.1, 16, 17, 17.1, 17.2, 17.3, 18, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 42.1, 42.2, 43.1, 43.2, 43.3, 43.4, 43.5, 43.6, 43.7, 43.8, 44, 44.1, 44.2, 44.3, 44.4, 44.5, 44.6, 45, 46, 47, 48, 49, 50, 51, 51.1, 51.2, 51.3, 51.4, 51.5, 51.6, 51.7, 51.8, 51.9, 51.10, 52, 53, 54, 55, 56, 57, 58, 59, 59.1, 59.2, 60, 61, 61.1, 62, 63, 63.1, 63.2, 63.3, 63.4, 63.5, 63.6, 63.7, 63.8, 63.9, 63.10, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 74.1, 74.2, 74.3, 74.4, 74.5, 74.6, 74.7, 75, 76, 76.71, 76.72, 76.73, 76.74, 76.75, 76.76, 77, 77.1, 77.2, 77.3, 77.4, 77.5, 77.6, 77.7, 78, 79, 80, 81, 82, 83, 84, 85, 86, 86.1, 86.2, 86.3, 86.4, 86.5, 86.6, 86.7, 87, 88	Title 22, MPP	
06/22/06	AMEND: 1601, 1602, 1604, 1605.3, 1607	10/26/06	AMEND: 86500, 86501, 86505, 86505.1, 86506, 86507, 86508, 96509, 86510, 86511, 86512, 86517, 86518, 86519, 86519.1, 86519.2, 86520, 86521, 86522, 86523, 86524, 86526, 86527, 86528, 86529, 86529, 86531, 86531.1, 86531.2, 86534, 86535, 86536, 86540, 86542, 86544, 86545, 86546, 86552, 86553, 86554, 86555, 86555.1, 86558, 86559, 86561, 86562, 86563, 86564, 86565, 86565.2, 86565.5, 86566, 86568.1, 86568.2, 86568.4, 86570, 86572, 86572.1, 86572.2, 86574, 86575, 86576, 86577, 86578, 86578.1, 86579, 86580, 86586, 86587, 86587.1, 86587.2,
Title 21			
10/06/06	ADOPT: 10000, 10000.1, 10000.2, 10000.3, 10000.4, 10000.5, 10000.6, 10000.7, 10000.8, 10000.9, 10000.10, 10000.11, 10000.12, 10000.13		

	86588, MPP 11-400c, 11-402, 45-101(c), 45-202.5, 45-203.4, 45-301.1	06/30/06	ADOPT: 3949	
		Title 25		
		11/08/06	AMEND: 16	
		Title 28		
08/11/06	ADOPT: 102416.2, 102416.3 AMEND: 102419, 102423	09/11/06	ADOPT: 1002.4	
07/11/06	AMEND: 80019, 80019.1, 80054, 87219, 87219.1, 87454, 87819, 87819.1, 87854, 88019, 101170, 101170.1, 101195, 102370, 102370.1, 102395	06/26/06	ADOPT: 1300.67.24 REPEAL: 1300.67.24	
		Title MPP		
Title 23		10/17/06	ADOPT: 44-111, 44-211, 69-201, 69-202, 69-205, 69-207, 69-208, 69-209, 69-210, 69-211, 69-212, 69-213, 69-214, 69-216, 69-302, 69-303, 69-304, and 69-305	
11/20/06	ADOPT: 3929.1	10/12/06	ADOPT: 30-785 AMEND: 30-700	
10/17/06	ADOPT: 3945.1	09/07/06	AMEND: 11-501, 42-302, 42-701, 42-711, 42-712, 42-713, 42-715, 42-716, 42-718, 42-719, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111, 63-407 REPEAL: 42-710	
09/13/06	ADOPT: 3916	09/01/06	ADOPT: 30-702 AMEND: 30-760.1	
09/01/06	ADOPT: 3979.1	09/01/06	AMEND: 30-757.1, 30-757.14, 30-780(b), 30-780.1(b)(1)	
08/31/06	ADOPT: 3939.22	07/20/06	AMEND: 63-410	
08/31/06	AMEND: 3920	06/26/06	AMEND: 30-757, 30-761	
08/11/06	ADOPT: 3907			
08/04/06	ADOPT: 3929			
08/04/06	ADOPT: 3949.2			
07/25/06	ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37			
07/21/06	ADOPT: 3949			